

In The Matter Of:

*Edgewood High School of the Sacred Heart, Inc. v.
City of Madison, Wisconsin, et al.*

*Deposition of Christopher J. Zwettler
May 26, 2022*

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Original File Zwettler Christopher 5-26-22.txt

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| <p style="text-align: center;">UNITED STATES DISTRICT COURT WESTERN DISTRICT OF WISCONSIN</p> <hr/> <p>EDGEWOOD HIGH SCHOOL OF THE SACRED HEART, INC.,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">-vs- Case No. 21-cv-00118</p> <p>CITY OF MADISON, WISCONSIN, et al.,</p> <p style="text-align: center;">Defendants.</p> <hr/> <p style="text-align: center;">Deposition of CHRISTOPHER J. ZWETTLER,</p> <p>taken at the instance of the Defendants, under and pursuant to Sections 804.05 of the Wisconsin Statutes, before Peggy S. Christensen, RPR, CRR, a Notary Public in and for the State of Wisconsin, at Boardman & Clark LLP, One South Pinckney Street, Suite 401, Madison, Wisconsin, on May 26, 2022, commencing at 9:02 a.m. and concluding at 5:09 p.m.</p> | <p style="text-align: right;">Page 3</p> <p style="text-align: center;">I N D E X</p> <p>1 Examination: Page</p> <p>2 By Mr. Jean-Louis 4</p> <p>3</p> <p>4 Exhibits Identified: Page</p> <p>5 95 "Edgewood High School Stadium - Why Now?" 14</p> <p>6 Document</p> <p>7 96 Gift and Naming Right Agreement Between 42</p> <p>8 Edgewood High School of the Sacred</p> <p>9 Heart, Inc., and the Irwin A. and</p> <p>10 Robert D. Goodman Foundation, Inc., for</p> <p>11 the Renovated Track and Field Project</p> <p>12 97 10/11/2016 Emails between Chris Zwettler 71</p> <p>13 and Bob Joers, and 5/2/2016 Emails between</p> <p>14 Chris Zwettler and Bob Joers</p> <p>15 98 Edgewood High School letter/memo regarding 88</p> <p>16 the 1/30/2017 neighborhood meeting</p> <p>17 99 August 2018 emails, Subject: WIAA Football 98</p> <p>18 Playoff Hosting Availability and Facility</p> <p>19 Survey</p> <p>20 100 August 2019 emails, Subject: WIAA Football 104</p> <p>21 Playoff Hosting Availability and Facility</p> <p>22 Survey</p> <p>23 101 Spreadsheet of Institutional Data 124</p> <p>24 102 Spreadsheet - School Community Survey 130</p> <p>25 103 Packet of invoices and checks, etc. 163</p> <p>104 5/18/2022 Quote from Musco Sports 182</p> <p>Lighting, LLC</p> <p>105 5/24/2022 Quote from Forward Electric, Inc. 183</p> <p>106 8/20/2019 Email from Chris Zwettler to the 184</p> <p>Madison Public School Athletic Directors</p> |
| <p style="text-align: right;">Page 2</p> <p style="text-align: center;">A P P E A R A N C E S</p> <p>1</p> <p>2</p> <p>3 GODFREY & KAHN, S.C., by</p> <p>4 MR. JONATHAN INGRISANO,</p> <p>5 One East Main Street, Suite 500,</p> <p>6 Madison, Wisconsin 53703,</p> <p>7 and</p> <p>8 DALTON & TOMICH, PLC, by</p> <p>9 NOEL W. STERETT,</p> <p>10 401 West State Street,</p> <p>11 Rockford, Illinois 61101,</p> <p>12 appeared on behalf of the Plaintiff.</p> <p>13</p> <p>14</p> <p>15</p> <p>16</p> <p>17</p> <p>18 BOARDMAN & CLARK LLP, by</p> <p>19 MS. SARAH A. ZYLSTRA and MR. TANNER G. JEAN-LOUIS,</p> <p>20 One South Pinckney Street, Suite 410,</p> <p>21 Madison, Wisconsin 53701,</p> <p>22 appeared on behalf of the Defendants.</p> <p>23</p> <p>24</p> <p>25</p> <p>(The original exhibits were attached to the original transcript and PDFs were provided to counsel)</p> <p>(Exhibit Nos. 51, 57, and 61 referred to herein were marked in the 5/10/2022 deposition of Michael G. Elliott and are attached thereto)</p> <p>(The original transcript was filed with Attorney Sarah A. Zylstra)</p> | <p style="text-align: right;">Page 4</p> <p>1 CHRISTOPHER J. ZWETTLER, called as</p> <p>2 a witness, being first duly sworn, testified</p> <p>3 on oath as follows:</p> <p>4</p> <p style="text-align: center;">EXAMINATION</p> <p>5</p> <p>6 By Mr. Jean-Louis:</p> <p>7 Q Hi.</p> <p>8 A Hi.</p> <p>9 Q Chris, my name is Tanner.</p> <p>10 A Hi, Tanner.</p> <p>11 Q Could I have you state your full name for the</p> <p>12 record, please.</p> <p>13 A Christopher John Zwettler.</p> <p>14 Q And how do you spell that last name?</p> <p>15 A Z, as in zebra, w-e-t-t-l-e-r.</p> <p>16 Q And what is your residential address?</p> <p>17 A 2798 Lyman Lane, Fitchburg, Wisconsin 53711.</p> <p>18 Q Okay. Are you under any kind of medication today</p> <p>19 that might affect your ability to answer questions</p> <p>20 fully or accurately?</p> <p>21 A No. No.</p> <p>22 MR. INGRISANO: You've got to give</p> <p>23 him time to finish his question.</p> <p>24 Q We'll get to those rules shortly. So have you</p> <p>25 ever given a deposition before?</p> |

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1 A No.
2 Q Have you ever testified at a trial or for a court
3 hearing?
4 A That football thing, that wasn't a court hearing,
5 was it? I don't know. I don't know.
6 Q Okay. What have you done that you think could
7 qualify?
8 A So in November our school had filed a lawsuit
9 against the WIAA trying to -- our football team
10 had been removed from the playoffs and we fought
11 that, and then there was a hearing with a local
12 attorney here in Madison. And I was on the stand.
13 Q And were you under oath?
14 A Yes.
15 Q Okay. Well, I'll just explain a little bit about
16 how this process works since you haven't been
17 through it before. So I'm going to ask you a
18 series of questions, and you just need to try to
19 answer them honestly and to the best of your
20 ability.
21 The court reporter here has got to jot down
22 everything we say and she wants to create a clear
23 record, so you should try to wait until I've
24 finished stating my question and your counsel
25 might want to put in an objection, and then you

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1 can go ahead and start answering your question.
2 And I'll try not to speak over you.
3 You need to give audible responses to my
4 questions. So, you know, shaking your head,
5 nodding your head, that's not going to show up on
6 the record very clearly. Similarly, you can't,
7 you know, go um-hum, you know, that kind of thing.
8 So you could say like yes or no or, you know, some
9 other type of verbal response.
10 So you mentioned that you did speak at a
11 court hearing where Edgewood had sued the WIAA;
12 is that correct?
13 A Yes.
14 Q And what was the subject of your testimony in that
15 hearing?
16 A We had an ineligible player, and then we -- the
17 WIAA ruled him ineligible and we fought that to
18 try to prove that he really wasn't ineligible and
19 that the paperwork that we had received would
20 prove that, and the court was trying to prove that
21 wasn't correct.
22 Q Okay. And were you called to testify by Edgewood
23 or by the WIAA?
24 A The WIAA.
25 Q They called you?

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1 A Yeah.
2 Q Okay. And is everything that you said at that
3 hearing true and correct to the best of your
4 knowledge today?
5 A Yes.
6 Q Okay. And could you maybe just give a brief
7 summary of what you explained or discussed at that
8 hearing?
9 MR. INGRISANO: Objection. Form.
10 Vague. Go ahead.
11 A That a paper -- that their rules about -- it came
12 down to whether he actually had a fifth year of
13 eligibility, which we claimed he did, and they
14 claimed he didn't.
15 Q Okay. But you gave testimony, correct, and was it
16 about factual circumstances surrounding the issue?
17 A To the best of my knowledge, yes.
18 Q Okay. And what facts did you testify to?
19 MR. INGRISANO: Objection. Form.
20 Vague.
21 A That a form that the school was supposed to fill
22 out, I did not know about the form and that the
23 form was vague and unclear.
24 Q Okay. Could you tell me a little bit about your
25 educational background?

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1 A I went to Queen of Peace grade school in Madison.
2 I don't know how far you want me to go back.
3 Q Okay. You can start with that.
4 A Madison West High School, University of Wisconsin-
5 Platteville for my undergrad, and then later on
6 finished my master's degree in education at the
7 University of Wisconsin-Platteville.
8 Q Okay. You never attended Edgewood at any point in
9 time?
10 A No.
11 Q Okay. Do you have any relatives who attended
12 Edgewood?
13 A Yes.
14 Q And could you please explain what their
15 relationship to you is?
16 A My brother Tim graduated in 1961 and my brother
17 Greg in 1965.
18 Q From the high school?
19 A From the high school.
20 Q Any other family members who were affiliated with
21 the high school?
22 A Presently?
23 Q At any point in time, whether they be teachers or
24 coaches, donors.
25 A My daughter Eliza is our head volleyball coach and

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1 a 2004 grad. All four of my children went to
2 Edgewood. And my son Jack, assistant basketball
3 coach and a 2012 grad.
4 Q Okay. And are you currently employed?
5 A Yes.
6 Q And what is your occupation?
7 A I am a teacher, athletic director, basketball
8 coach, and fundraiser at Edgewood High School.
9 Q What do you teach?
10 A I teach a sports psychology and careers class to
11 seniors.
12 Q And how long have you been working at Edgewood?
13 A 33 years.
14 Q And how many of those years have you been a coach?
15 A All 33.
16 Q And how many of those years were you a teacher?
17 A All 33.
18 Q And how many years were you the athletic director?
19 A All 33.
20 Q Okay. Can you describe your job duties starting
21 with athletic director?
22 A Sure. I'm to oversee the whole athletic program,
23 which we have 21 sports at the school. I secure
24 coaches for our programs. I oversee scheduling of
25 contests.

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1 I work with the Badger Conference to make
2 sure their bylaws and rules are followed by our
3 school. I work with the WIAA to make sure that we
4 are following the rules.
5 I attend games. I'm a game manager, which
6 means that I supervise, make sure officials are
7 there, students and parents, more parents, are
8 behaving, and making sure the contest can run
9 smoothly.
10 Q And you said you are the head coach for one of the
11 teams?
12 A The boys basketball team.
13 Q Boys basketball team. And when is the boys
14 basketball season?
15 A November to March.
16 Q And you're the varsity coach?
17 A Yes, sir.
18 Q Do you coach the JV or freshman teams?
19 A I oversee the lower level programs and the coaches
20 of those programs.
21 Q As the basketball coach or as the athletic
22 director or both?
23 A Both.
24 Q Okay. Is it a requirement of your position,
25 whether as a teacher or as the athletic director,

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1 to be Catholic?
2 A No.
3 Q You described a little bit about, you know, your
4 educational background. Are there any other
5 degrees or certifications that you possess that
6 you did not mention earlier?
7 A Not that I can remember, no.
8 Q Do you have any training or education in law?
9 A No.
10 Q Any training or education in urban planning?
11 A No.
12 Q Have you ever worked for a city, town, or
13 municipality?
14 A I worked for Odana Golf Course in college.
15 Q How many years?
16 A Five.
17 Q Okay. What other employment positions did you
18 hold between graduating from college and your job
19 at Edgewood?
20 A I was a teacher of health and physical education
21 in Stockton, Illinois, assistant football coach.
22 Q Go ahead. I'm sorry.
23 A And head basketball coach, and I had one year as a
24 golf coach.
25 Q Those were all at the same school?

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1 A Correct.
2 Q And what was the name of that school?
3 A Stockton High School in Stockton, Illinois.
4 Q And was that a public school?
5 A Correct. Yes.
6 Q Okay.
7 A I then went from there to the University of
8 Wisconsin-Platteville and was assistant basketball
9 coach at the university, men's.
10 Q And what year did you start working at the
11 University of Wisconsin-Platteville?
12 A '87 through '89.
13 Q Okay. And Stockton High School, could you
14 describe very briefly what the athletic facilities
15 at that high school were like?
16 MR. INGRISANO: Objection. Form.
17 Vague.
18 A We had a football field on campus and a baseball
19 field and a gymnasium in the high school.
20 Q Was that baseball field on campus?
21 A Well, technically I'd say the football and
22 baseball field were across the street and also
23 operated by the Stockton Parks Department.
24 Q Do you know whether that football field had
25 stadium lighting?

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1 A It did.
2 Q Okay. Have you performed -- Besides the three
3 roles that you mentioned as coach, athletic
4 director, teacher, have you provided any services
5 for any of the other Edgewood organizations, be it
6 the grade school or the college? Have you served
7 in a volunteer position or sat on the board of
8 either organization?
9 A No.
10 Q Okay. And I understand that you are retiring?
11 A Yes.
12 Q And what is your retirement date?
13 A That is unclear.
14 Q Okay. Do you have a general target that you're
15 aiming for?
16 A The last part of June.
17 Q The last part of June, okay. Anything in
18 particular that precipitated your decision to
19 retire?
20 A My wife is retiring. We have served passionately
21 to many, many other kids. We have nine grandkids,
22 and we feel it's time we are enjoying and looking
23 forward to spending time with them.
24 Q And where does your wife work?
25 A Queen of Peace Catholic grade school.

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1 Q And what does she do there?
2 A She's a phy ed teacher.
3 Q And how long did she work there?
4 A 31 years.
5 Q Do you have any plans to continue, you know, being
6 in service to Edgewood in some capacity after you
7 retire, whether as an assistant coach or serving
8 on the board or anything like that?
9 A That is undetermined at this time.
10 Q Okay. Do you have any plans to move or live
11 outside of Dane County after you retire?
12 A No.
13 Q Okay. Do you know who is going to fill the
14 athletic director position?
15 A No.
16 Q Okay.
17 (Exhibit No. 95 marked for
18 identification)
19 Q So you have been handed what has now been marked
20 as Exhibit 95. Are you familiar with this
21 document? Have you seen this before?
22 A No.
23 Q Okay. Would you mind just briefly reading the
24 first three paragraphs for me.
25 Is there anything in those three paragraphs

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1 that you believe to be incorrect?
2 A No.
3 Q Okay. Do you want to -- If you look at the last
4 page of this and kind of the last two pages, so
5 the second-to-last page at the bottom, it starts,
6 so at 122, it starts, at the very bottom
7 paragraph, "If you have additional questions,
8 please contact" and then it provides Mike
9 Elliott's email address; is that correct?
10 A Yes.
11 Q And then on the next page it provides your email
12 address; is that correct?
13 A Yes.
14 Q And to the best of your knowledge, you've never
15 been contacted regarding the contents in this
16 document?
17 And you can take the time to familiarize
18 yourself with the rest of it if you need to.
19 MR. INGRISANO: Objection. Form.
20 Can you read back that last question, please?
21 (Question read)
22 MR. INGRISANO: Objection. Form.
23 Vague as to time, vague as to "contact."
24 Objection also foundation.
25 A I'm sorry. Could you repeat what you want back on

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1 me from this?
2 Q Are you aware of anyone ever contacting you to ask
3 you questions about this document?
4 A Me, no.
5 Q Okay. So your testimony is that you have worked
6 for Edgewood for, did you say, about 33 years?
7 A Yes, sir.
8 Q So that would be beginning around 1989, 1990?
9 A The fall of '89.
10 Q Fall of '89. Okay. So the site that is currently
11 known as the Goodman Athletic Complex, could you
12 describe what that site looked like in the fall of
13 1989?
14 A Sure. It was a grass field with a cinder track
15 around it and a baseball diamond kind of in what
16 I'd call the southwest corner of that complex, and
17 it was operated and used that way until years
18 later when the college and Edgewood -- or the
19 college and Edgewood High School agreed that they
20 were going to put a road, which is now I think
21 called Edgewood College Drive, through that area,
22 which then reshaped the field.
23 The baseball diamond was removed, and then
24 there was a grass field. We remained having a
25 field that was rebuilt, it was all grass, until

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1 2014 when we started the project of putting in the
2 turf field.
3 Q Okay. And I'll return to this topic in a moment.
4 But before we move too far forward, having
5 reviewed Exhibit 95 earlier, did you see anything
6 in the rest of the document that struck you as
7 incorrect beyond the first three paragraphs?
8 MR. INGRISANO: Objection. Form.
9 Vague. Go ahead and answer if you think you
10 can.
11 A I do not believe so, no.
12 Q Okay. So the road that was put in over the
13 baseball diamond, what year did that project occur?
14 A I don't remember exactly.
15 Q Do you remember what decade roughly?
16 A No. I would be guessing.
17 Q Okay. The cinder track, as you described it, and
18 the grass field around 1989, what were that track
19 and that field used for in 1989?
20 A Practices and lower level competitions in soccer
21 and football.
22 Q Okay. And when you say lower level competitions,
23 what are you referring to?
24 A Freshman level, ninth grade; or JV level, which is
25 a combination of ninth and tenth grade.

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1 Q Okay. And you said soccer and football?
2 A Uh-huh.
3 Q Okay.
4 COURT REPORTER: Is that a yes?
5 A Yes. Sorry.
6 MR. INGRISANO: Don't forget verbal
7 answers. Okay?
8 THE WITNESS: Yes.
9 MR. INGRISANO: All right.
10 Q So for the freshman and JV soccer and football
11 teams, did they host all of their home games on
12 that field?
13 A I don't remember exactly.
14 Q Okay. Do you recall, you know, roughly how often,
15 say in a year, in an academic school year, there
16 would be a game hosted on that field?
17 MR. INGRISANO: Objection. Form.
18 Vague as to time. You asked him about '89.
19 Are you asking him a different year now?
20 Q Correct, '89. Around 1989.
21 A The number of games per week, are you asking?
22 Q Per season or per academic school year, whichever
23 way is easiest to explain it for you.
24 A Football would play nine games. I do not think
25 the lower levels would play -- the lower levels

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1 did not play nine games.
2 I would be guessing, so I'm not going to --
3 I don't know for sure.
4 Q Okay. So when you said football would play nine
5 games, you're referring to the varsity football?
6 A Yes.
7 Q And that is nine total games or is that nine home
8 games?
9 A That is nine regular season games.
10 Q Okay.
11 A Not including playoffs.
12 Q And it is your belief that the junior varsity team
13 would have played less regular season games than
14 nine?
15 A Yes.
16 Q Okay. And the same would be true for the
17 freshman?
18 A Yes.
19 Q And it's your understanding that the freshman and
20 junior varsity teams in the early '90s, 1989, they
21 played home games and away games?
22 A Yes.
23 Q Okay. Did any other teams host athletic
24 competitions on that field or on that track in
25 1989, the early 1990s?

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1 A Boys soccer and girls soccer.
2 Q Okay. And any other teams?
3 A No.
4 Q Okay. What teams would practice on those
5 facilities that we've been discussing in that time
6 period?
7 A Football in the fall, soccer -- boys soccer in the
8 fall, girls soccer in the spring -- and boys and
9 girls track in the spring.
10 Q Okay.
11 A Can I add something?
12 Q Go ahead.
13 A Baseball when we had the baseball diamond out
14 there, they would hold their workouts, and they
15 actually played a couple games out there.
16 Q They played a couple games total that you recall
17 or per season?
18 A Per season, less than a handful.
19 Q Okay. When you say less than a handful, is that
20 less than five per season, is that what you --
21 A Yeah. Three to five games.
22 Q Per season?
23 A Per season.
24 Q Okay. You mentioned the changes to the baseball
25 diamond. Were there upgrades to those facilities,

| Page 21 | Page 23 |
|--|--|
| <p>1 to the track and to the field, that occurred</p> <p>2 during your tenure as athletic director?</p> <p>3 A The baseball diamond was removed. There was an</p> <p>4 upgrade to the track. And then the football</p> <p>5 field/soccer field area was rebuilt.</p> <p>6 Q Okay. So when was that upgrade to the track?</p> <p>7 A Again, I don't remember that date exactly.</p> <p>8 Q Would it be sometime in the 1990s, do you know?</p> <p>9 A I don't know.</p> <p>10 Q Okay.</p> <p>11 A I don't remember.</p> <p>12 Q Could you describe what the upgrade was?</p> <p>13 A The track cinder, that whole area, was removed</p> <p>14 because of the road coming in, and it was replaced</p> <p>15 with a -- I don't remember if it was 6 or 8 lanes,</p> <p>16 but the surface was ground up tires and some kind</p> <p>17 of surface that doesn't exist anymore. But that</p> <p>18 was an upgrade from cinders.</p> <p>19 And then the football field, sodded, seeded</p> <p>20 at that time as well.</p> <p>21 Q Those --</p> <p>22 A Seeded. It wasn't sodded.</p> <p>23 Q Those two upgrades occurred close in time to each</p> <p>24 other?</p> <p>25 A Yes. That was all part of the road coming through</p> | <p>1 that field after it was resodded for athletic</p> <p>2 competitions that did not do so before it was --</p> <p>3 I forget if you said resodded or reseeded.</p> <p>4 A It was seeded. No new teams started using the</p> <p>5 field after that.</p> <p>6 Q Okay.</p> <p>7 A The same teams.</p> <p>8 Q Same teams. Did the frequency of games on that</p> <p>9 field increase after it was seeded?</p> <p>10 A I don't know.</p> <p>11 Q Okay. What about the track, any changes to use in</p> <p>12 the track after it was upgraded?</p> <p>13 A Still used for practice, still used by the</p> <p>14 neighbors to walk and run around and to the</p> <p>15 community, but we did not hold competitions there</p> <p>16 because it was not a -- we didn't have chances to</p> <p>17 do shot put, discus, everything that goes with a</p> <p>18 track meet, so we could not hold a track meet</p> <p>19 there.</p> <p>20 Q Okay. Are you aware of any proposal by Edgewood</p> <p>21 in the mid-'90s, mid to late '90s, to upgrade that</p> <p>22 field -- that track and field to include lights</p> <p>23 and a sound system?</p> <p>24 A No.</p> <p>25 Q No? I'm handing you what's been previously marked</p> |
| Page 22 | Page 24 |
| <p>1 the campus.</p> <p>2 Q Okay. Did the use of the field change at all</p> <p>3 after it was upgraded to the shredded tire</p> <p>4 material that you described?</p> <p>5 A Yes. We felt more comfortable playing contests</p> <p>6 out there in the beginning and school enrollment</p> <p>7 was increasing at that time so there was a greater</p> <p>8 use.</p> <p>9 Q Okay. So when you say you felt more comfortable</p> <p>10 holding contests, is that on the field or is that</p> <p>11 on the track?</p> <p>12 A Both.</p> <p>13 Q Okay. So were there teams that started holding</p> <p>14 contests on either the track or on the field that</p> <p>15 were not holding contests prior to those</p> <p>16 renovations?</p> <p>17 A Non-varsity teams, they still held competitions on</p> <p>18 there. And in '94 and '95 we played one varsity</p> <p>19 football game each of those seasons out there.</p> <p>20 Q Okay. And so you believe that the upgrade to the</p> <p>21 field, is it your testimony that likely happened</p> <p>22 before those varsity football games were played?</p> <p>23 A I believe it happened after those varsity football</p> <p>24 games were played there.</p> <p>25 Q Okay. So were there any teams that began using</p> | <p>1 as Exhibit No. 51. Could you read the title</p> <p>2 section at the top of the first page of this</p> <p>3 document for me. Yes?</p> <p>4 A This? Dudgeon-Monroe Neighborhood Association, Inc.,</p> <p>5 Council Meeting, August 14, 1996.</p> <p>6 Q So during August of 1996 you were serving as the</p> <p>7 athletic director of Edgewood; correct?</p> <p>8 A Correct.</p> <p>9 Q Okay. So if you turn to the second page of that</p> <p>10 document, there is a section titled Edgewood</p> <p>11 Resolution. Do you see that?</p> <p>12 A Yes.</p> <p>13 Q Could you just read that section to yourself, and</p> <p>14 let me know when you've finished.</p> <p>15 A I'm done.</p> <p>16 Q Okay. If I could have you turn to page 4 of this</p> <p>17 document. There is another section entitled</p> <p>18 Resolution about Edgewood. Could you read that</p> <p>19 section to yourself as well, please, and let me</p> <p>20 know when you've finished.</p> <p>21 A Does it end on 4? Yes.</p> <p>22 Q When you finish page 4, just let me know.</p> <p>23 A I'm finished.</p> <p>24 Q Okay. So if you want to turn to the next page of</p> <p>25 the document, if you could read that whole page</p> |

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1 for me, and then let me know when you've finished
2 reading that.
3 A I'm done.
4 Q Okay. So on that same page I just asked you to
5 read, you see a section entitled Activities and
6 Operations near the bottom?
7 A Yes.
8 Q Okay. And there is an item numbered number 9 that
9 says, "Support part 10 (with 'Phase 1' removed)
10 including: no lights, no new PA system, 300 seat
11 seasonal bleachers?" Did I read that correctly?
12 A Yes.
13 Q And then there appears to be a tally of votes to
14 the right of that. Do you see that?
15 A Yes.
16 Q And it says 16 voting yes and one voting no?
17 A Yes.
18 Q And then right below that there is an item, "No
19 permanent structure for athletic complex?" Do you
20 see that?
21 A Yes.
22 Q Then 17 voting yes and one voting no. Do you see
23 that?
24 A Yes.
25 Q Going through this document, does this refresh

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1 your recollection at all about any type of project
2 involving the athletic field that was proposed
3 sometime in the 1990s?
4 MR. INGRISANO: Objection. Form.
5 Calls for speculation. Objection, foundation.
6 A I was not involved in these meetings.
7 Q Okay. And turning back to page 2, the second page
8 mentions a Bill Vanden Brook. Do you know who
9 that is?
10 A I do not recall knowing a name, a person by that
11 name.
12 Q Okay. So beyond, you know, not being included in
13 any of these meetings I believe you just stated,
14 do you recall any discussions at this time period
15 about plans to or proposals to install lights at
16 the athletic field?
17 A I do not recall.
18 Q Okay. So in addition to the renovations that
19 we discussed earlier with seeding the field and
20 putting the tire surface on the track, my
21 understanding is that there were additional
22 renovations that occurred around 2015; is that
23 correct?
24 A Yes.
25 Q Okay. And just prior to those renovations, so

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1 let's say in the years, you know -- let's say in
2 the year 2013, would the use of the field in 2013
3 be consistent with the use of the field that you
4 described during the time periods that we were
5 discussing earlier after the reseeding and after
6 the tire track was first put in?
7 MR. INGRISANO: Objection. Form.
8 Vague. Go ahead.
9 A Referring to the non-varsity competitions on
10 there? Yes.
11 Q Okay. So in 2013 the only teams that were hosting
12 competitions on that field would be freshman
13 soccer, JV soccer, freshman football, JV football;
14 is that correct?
15 A Yes.
16 Q And including boys and girls soccer?
17 A Yes.
18 Q Okay. No other teams were hosting competitions at
19 that time?
20 A Still no.
21 Q Okay. What did the attendance at a JV football
22 game look like in 2013? What would be the average
23 attendance at a game?
24 MR. INGRISANO: Objection. Form.
25 Go ahead.

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1 A 75 to 100 people.
2 Q Okay. And is that including spectators from both
3 teams?
4 A Yes.
5 Q Did the freshman or JV football teams ever host
6 games at locations other than Edgewood's field in
7 2013?
8 A I do not recall.
9 Q What about the soccer teams?
10 A I do not recall.
11 Q Okay. And you believe the frequency of JV
12 football in 2013, would that also be less than
13 nine regular games per season?
14 A That is correct.
15 Q Okay. What other sports were using the field for
16 purposes other than athletic competitions in 2013?
17 MR. INGRISANO: Objection. Form.
18 Can you read that question back again? I'm
19 sorry.
20 (Question read)
21 MR. INGRISANO: I'm sorry. I'll
22 withdraw that objection. You can go ahead
23 and answer.
24 A Can you read it again, please? Thank you.
25 MR. INGRISANO: Sorry.

| Page 29 | Page 31 |
|--|---|
| <p>1 (Question read)</p> <p>2 A None that I can recall.</p> <p>3 Q Okay. So the only teams that used the field at</p> <p>4 all were the soccer teams, boys and girls, and the</p> <p>5 football teams?</p> <p>6 A Yes.</p> <p>7 Q And is the same true about the track?</p> <p>8 A Cross country teams would have also been using the</p> <p>9 track for training.</p> <p>10 Q Okay. You described for me earlier the average</p> <p>11 attendance at a JV football game in 2013. What</p> <p>12 would be the average attendance for a JV boys</p> <p>13 soccer game in 2013, if you know?</p> <p>14 MR. INGRISANO: Objection. Form.</p> <p>15 Calls for speculation.</p> <p>16 A It would be less. Probably closer to 50 for both</p> <p>17 opponents and home team.</p> <p>18 Q Okay. And what about for the girls JV team?</p> <p>19 MR. INGRISANO: Same objection.</p> <p>20 Form, speculation.</p> <p>21 A In soccer?</p> <p>22 Q Yes, in soccer. Thank you.</p> <p>23 A Probably about 50 as well.</p> <p>24 Q Okay. Was amplified sound used at the JV soccer</p> <p>25 or football games?</p> | <p>1 A Can you explain what you mean by managing?</p> <p>2 Q So if there was to be changes to any sports</p> <p>3 facilities, would you have input in those</p> <p>4 decisions?</p> <p>5 A What do you mean by changing?</p> <p>6 Q So structural changes. Like a renovation, for</p> <p>7 example.</p> <p>8 A I would be advised of potentially that this could</p> <p>9 occur.</p> <p>10 Q Okay. And were you advised before the Goodman</p> <p>11 grant was secured, were you advised that the</p> <p>12 high school was pursuing that grant?</p> <p>13 MR. INGRISANO: Objection. Form.</p> <p>14 Foundation. Go ahead.</p> <p>15 A Yes.</p> <p>16 Q And were you asked to provide any input or</p> <p>17 information to be provided to the Goodman</p> <p>18 Foundation?</p> <p>19 A Yes.</p> <p>20 Q And what was the substance of the information that</p> <p>21 you provided?</p> <p>22 A What sports would use it, what attendance would</p> <p>23 look like, how frequently it could be used, by</p> <p>24 what levels, what with the attendance that would</p> <p>25 be there -- no. I'm going to retract that because</p> |
| Page 30 | Page 32 |
| <p>1 A I do not recall.</p> <p>2 Q Okay. Were there any temporary stadium lights or</p> <p>3 permanent stadium lights that were in place in</p> <p>4 2013?</p> <p>5 A No.</p> <p>6 Q Okay. And so I briefly had touched on a 2015</p> <p>7 renovation that occurred. That renovation was</p> <p>8 connected to a grant that Edgewood received in</p> <p>9 2015 from the Goodman Foundation; is that correct?</p> <p>10 A Yes.</p> <p>11 Q Were you involved at all in securing that grant?</p> <p>12 A No.</p> <p>13 Q Do you know when Edgewood first approached the</p> <p>14 Goodman Foundation about the grant?</p> <p>15 MR. INGRISANO: Objection. Form,</p> <p>16 foundation, calls for speculation. Go ahead.</p> <p>17 A I cannot recall.</p> <p>18 Q Did you ever see any proposals that were sent to</p> <p>19 the Goodman Foundation in the effort to secure the</p> <p>20 grant?</p> <p>21 A I really can't recall.</p> <p>22 Q As the athletic director who was in charge, I</p> <p>23 believe you stated you oversaw all the sports</p> <p>24 teams. Were you also responsible for managing</p> <p>25 the facilities, the sports facilities?</p> | <p>1 I don't know that answer for sure. But what I've</p> <p>2 said to you is what I can recall right now.</p> <p>3 Q Okay. Do you recall the specific information that</p> <p>4 you provided as to what sports would be able to</p> <p>5 use the facilities?</p> <p>6 A Yes.</p> <p>7 Q And what sports did you name?</p> <p>8 A Football, soccer, track. Games or practices are</p> <p>9 you looking for?</p> <p>10 Q Well, let's start with games.</p> <p>11 A Football, soccer, track competitions.</p> <p>12 Q Okay.</p> <p>13 A For sure.</p> <p>14 Q And would those be lower level games like you had</p> <p>15 been discussing earlier or would that include</p> <p>16 varsity level games?</p> <p>17 A It was always my intention that we would want to</p> <p>18 get varsity out there as well.</p> <p>19 Q Okay. Do you know if you provided information</p> <p>20 that was passed on to the Goodman Foundation that</p> <p>21 you intended that varsity level games would be</p> <p>22 held on that field?</p> <p>23 A Can you restate that, please?</p> <p>24 Q Yes. When you were providing information about</p> <p>25 teams that would be using the field, did you</p> |

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1 provide any information to the effect that varsity
2 level football or soccer games would be able to
3 use the field for competitions?
4 A Yes.
5 Q Okay. And any other teams besides football,
6 soccer, track that you mentioned?
7 A Our hope would be that softball, baseball,
8 ultimate frisbee would be able to -- I'll stop
9 there. That softball and baseball would be able
10 to use the turf in a practice setting when it was
11 raining. And grass, it would be muddy, that they
12 could go out on the turf and work out, and that
13 ultimate frisbee and lacrosse would end up playing
14 games there, could play games there.
15 Q And was that expressed to the Goodman Foundation?
16 A Yes. Also community use was expressed to the
17 Goodman Foundation of the track and the field.
18 Q Okay. The lacrosse team, what is the name of the
19 lacrosse team?
20 A Westside Lacrosse.
21 Q Westside Lacrosse. Westside Lacrosse, does it
22 consist entirely of Edgewood students?
23 A No.
24 Q Do you know, does it draw from particular schools,
25 do you know?

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1 A Yes.
2 Q What schools does it draw from?
3 A On and off depending on the number of participants
4 from other schools, we have had West, Memorial,
5 Oregon that I can recall for sure.
6 Q Okay. And who is the coach -- Is there a boys and
7 girls?
8 A Yes.
9 Q Okay. Who is the coach of the boys Westside
10 Lacrosse team?
11 MR. INGRISANO: Objection. Form as
12 to time. Go ahead.
13 A Mike -- sorry. Mike Reiter. This is his first
14 year.
15 Q This is his first year?
16 A Yes.
17 Q Okay. And do you know where Mike Reiter is
18 employed besides being a coach for the Westside
19 Lacrosse team, if at all?
20 A I do not.
21 Q Okay. But it's your understanding he is not
22 directly employed by Edgewood in any capacity?
23 A My understanding is he's paid for by the Westside
24 Lacrosse Club.
25 Q Okay. And do you know where the Westside Lacrosse

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1 Club -- do you know how it is financed?
2 A I can't -- I don't know for sure, no.
3 Q To your knowledge does Edgewood or the athletic
4 program at Edgewood contribute funds directly to
5 that team?
6 A Funds, no.
7 Q Okay.
8 A Access to the field, announcements about the team,
9 end of season awards and medals or trophies, and
10 busing we help provide to them as part of a
11 stipend they give our athletic association.
12 Q So they provide Edgewood money; is that correct?
13 A Yes. They pay an annual, I guess you could call
14 it, rental fee or priority fee to be able to be
15 out there --
16 Q Okay.
17 A -- after track, baseball, or any of our school-
18 sponsored teams are done.
19 Q So your school-sponsored teams have priority
20 access to the field. Is that what you're saying?
21 A Yes, sir.
22 Q Okay. And the services that you described as
23 providing to the Westside Lacrosse team in
24 exchange for the stipend, are those services true
25 of both the boys and the girls team?

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1 A Yes.
2 Q Okay. And you had mentioned a frisbee team; is
3 that correct?
4 A Yes.
5 Q And is the frisbee team one of the school-
6 sponsored teams that you had described?
7 A There is a WIAA sponsored team -- sponsored teams.
8 Then there is a school sanctioned team.
9 Lacrosse would fall under a school sanctioned
10 or sponsored team. Frisbee is not under either.
11 Q I'm sorry. Could you clarify for me? You said
12 lacrosse could fall under a school sanctioned or,
13 sorry?
14 A Sponsored I used.
15 Q Sanctioned or sponsored. And did you mean it
16 could be either or were you correcting yourself?
17 A I meant that those were basically the same thing.
18 Q Okay.
19 A That the school recognizes and we've agreed to
20 sanction lacrosse, but it is not a WIAA sponsored
21 or sanctioned sport.
22 In other words, there is no state tournament
23 sponsored by the WIAA. There is a lacrosse
24 playoff and state tournament sponsored by the
25 lacrosse association. I'm not sure exactly the

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1 naming of it.
2 And then ultimate frisbee is basically a club
3 within our school, and they request it at times.
4 They mainly practice out in the front of school,
5 and they have played games, competitions, on the
6 turf in the past.
7 Q Okay. And you described it as mostly a club. Is
8 there any WIAA affiliation or league that the --
9 A With frisbee?
10 Q -- that frisbee is connected to?
11 A No.
12 Q Okay. I understood, and correct me if I'm wrong,
13 I understood your earlier testimony to be drawing
14 a distinction between Westside Lacrosse and the
15 Edgewood-sponsored teams that have priority. Was
16 that a fair statement?
17 MR. INGRISANO: Objection. Form.
18 Go ahead.
19 A Yes.
20 Q Okay. And returning briefly to the Goodman grant,
21 do you know if there was a specific call for
22 proposals for grant applications that Edgewood was
23 responding to or not?
24 MR. INGRISANO: Objection. Form.
25 Vague. Go ahead.

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1 A Can you explain that in further detail, please?
2 Q Yes. Was Edgewood -- did it file -- I'm
3 forgetting the word. Sorry. A grant application,
4 there is a word for that; right?
5 MS. ZYLSTRA: Request for proposal?
6 Request for bid?
7 MR. JEAN-LOUIS: No.
8 MR. INGRISANO: You tried. You
9 gave it your best shot. Do you want to take
10 five minutes?
11 MR. JEAN-LOUIS: Sure.
12 MS. ZYLSTRA: Why don't we take a
13 break. Thank you.
14 MR. JEAN-LOUIS: Yeah.
15 (Recess)
16 Q This might be a better question is do you know
17 what prompted Edgewood to apply for the grant?
18 MR. INGRISANO: Objection. Form.
19 Assumes facts, foundation.
20 A I don't really know for sure. I mean, I think the
21 obvious answer would be that we would want --
22 you know, we've always wanted to have varsity
23 games and have something on campus for our student
24 athletes.
25 Q Okay. And so earlier you mentioned that you gave

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1 some information to be provided to the Goodmans,
2 and you described I believe use of the field and
3 the track; is that correct?
4 A Yes.
5 Q And you also mentioned that you would give
6 information about likely attendance?
7 A Yes.
8 Q And was that attendance for competitions?
9 A Yes.
10 Q And do you recall what information you would have
11 given about, let's start with JV soccer, boys and
12 girls, attendance?
13 A Can you restate the question, please?
14 Q Yes. Did you provide information about the likely
15 attendance of JV soccer games?
16 A The main numbers they wanted were for varsity.
17 Q For varsity, okay.
18 A But I'm sure that -- well, I know that we also
19 talked about what potentially -- how many people
20 would come for JV, and they're now called JV-2
21 games, which are freshman games, how many people
22 there might be there.
23 Q So they mostly wanted information about varsity.
24 Would that be varsity soccer and varsity football?
25 A And a track meet.

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1 Q And track. Any other varsity teams?
2 A Not that I can recall, no.
3 Q Okay. Do you recall what estimates you gave about
4 the likely attendance for -- and actually, let me
5 fix that question.
6 Were you giving historical attendance
7 information or were you giving projections of what
8 it would be at the home field?
9 A We gave historical numbers based on a five-year --
10 three- to five-year trend of the income we got
11 from ticket sales and gave that number in our
12 projections.
13 Q Okay. And you gave that information for varsity
14 soccer, varsity football, and for track; correct?
15 A Yes.
16 Q Okay. And were you involved personally in
17 compiling or collecting or organizing the effort
18 to gather that information?
19 A Yes.
20 Q And did you pass that information along in writing?
21 A Yes.
22 Q And was that done by email?
23 A I don't recall for sure. I know hard copies.
24 Q Hard copies?
25 A Yep.

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1 Q And who were those hard copies given to?

2 A Our president and/or our president's administrative

3 assistant.

4 Q Okay. And in terms of the information about who

5 would be using the field for athletic

6 competitions, would that also have been

7 communicated in writing?

8 A Yes.

9 Q Okay. Did you attend any meetings with other

10 Edgewood staff, with Mike Elliott or other

11 high school officials, regarding the grant

12 proposal?

13 MR. INGRISANO: Objection. Form.

14 Vague. Go ahead.

15 A I do not recall.

16 Q Did you attend any meetings to discuss any of the

17 information you provided or other aspects of the

18 grant project with representatives of the Goodman

19 Foundation?

20 A I really don't recall.

21 Q Okay. Those hard copy documents that you

22 referenced earlier that you believe were likely

23 given to Mike Elliott or his assistant, do you

24 still have copies of any of those documents?

25 A Yes.

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1 Q Okay. And do you know where those copies would be?

2 A Probably in a folder behind my desk.

3 Q Okay.

4 (Exhibit No. 96 marked for

5 identification)

6 Q You've just been handed a document that's been

7 marked as Exhibit 96. Have you ever seen this

8 document before?

9 A Not that I can recall.

10 Q Okay. Do you want to briefly read the document to

11 yourself?

12 A I'm done.

13 Q Okay.

14 MR. INGRISANO: Did you read the

15 second page?

16 THE WITNESS: I did not.

17 Okay. I'm finished.

18 Q Okay. So is it your understanding generally that

19 the grant money that Edgewood received to renovate

20 its field, that there were conditions or

21 stipulations attached to that money?

22 MR. INGRISANO: Objection.

23 Foundation.

24 A Yes.

25 Q Okay. And are you aware of any conditions or

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1 stipulations that are not mentioned in this

2 document that you just reviewed?

3 A Not that I can recall.

4 Q Okay. And as athletic director, were you involved

5 in making sure that Edgewood was in compliance

6 with the conditions and stipulations that the

7 Foundation had attached to the funds?

8 MR. INGRISANO: Objection. Form

9 and foundation.

10 A Not that I can recall.

11 Q If you'd turn to the second page of this document,

12 do you see a section titled Other Conditions?

13 A Yes.

14 Q And I'm going to read from it. "By July 31 of

15 each year, EHS must provide Donor a written report

16 of the usage of the Sports Complex by users other

17 than users associated with EHS or Edgewood

18 College. EHS will provide the Goodman Foundation

19 construction updates and tours of the site upon

20 request." Did I read that correctly?

21 A Yes.

22 Q And this document appears to be dated in 2015;

23 is that correct?

24 A Yes.

25 Q Do you recall Edgewood ever providing the Goodman

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1 Foundation with a written report of the usage of

2 the sports complex?

3 A I cannot recall.

4 Q Okay. Turning back to the first page, in the

5 first paragraph under the heading Gift

6 Information, the second-to-last sentence

7 reads, "Edgewood will provide the final drawings

8 and specifications" -- I should actually start

9 earlier.

10 I'll read this whole paragraph. It says,

11 "The Donor hereby pledges the total sum of

12 \$1,025,000," and then in parenthesis "(One Million

13 and Twenty-five Dollars) to EHS to support EHS's

14 efforts to renovate the current track and field

15 complex on the southwest end of the campus,

16 hereinafter referred to as the Sports Complex.

17 This donation is based on the Sports Complex as

18 presented in the renderings approved by the Donor

19 in January of 2015. Edgewood will provide the

20 final drawings and specifications for approval

21 from Donor, prior to signing a final construction

22 contract. Approval by the Donor shall not be

23 unreasonably withheld."

24 Did I read that paragraph correctly?

25 A Yes.

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1 Q Okay. Were you aware in January 2015 or prior to
2 January 2015 of drawings or renderings of what the
3 construction at the field might look like?
4 MR. INGRISANO: Objection. Form.
5 Go ahead.
6 A Yes.
7 Q Okay. And when did you first become aware of
8 those drawings or renderings?
9 A I am not sure of the exact date.
10 Q Okay. Do you know who created those drawings or
11 renderings?
12 A Rettler Corporation.
13 Q And were they hired to accomplish that specific
14 task?
15 MR. INGRISANO: Objection. Form,
16 foundation.
17 A Yes.
18 Q And do you know when they were hired?
19 A No.
20 Q Do you believe it would have been prior to January
21 2015?
22 A I do not know.
23 Q Do you recall how long it took -- Is the sentence
24 in here true that the donor approved the
25 renderings in January of 2015, to your knowledge?

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1 A I do not know.
2 Q Okay. Do you know whether final drawings and
3 specifications were provided for approval to the
4 donor before the final construction contract was
5 signed?
6 A Yes.
7 Q Okay. And do you know who would be in possession,
8 other than the Goodman Foundation, who would be in
9 possession of the renderings that were submitted
10 in January of 2015?
11 MR. INGRISANO: Objection.
12 Foundation. Form. Assumes facts. Go ahead.
13 A Mike Elliott.
14 Q Okay. Anyone else?
15 A Me.
16 Q Okay. And do you believe you still possess those
17 renderings and drawings?
18 A I do believe I still possess them.
19 Q Okay. Do you also possess the final drawings that
20 were submitted prior to the final signing of the
21 construction contract?
22 A I do not know the answer to that one.
23 Q Okay. The paragraph after the paragraph I just
24 read says, "The Donor will complete this pledge in
25 three annual installments of \$341,667." Did I

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1 read that correctly?
2 A Yes.
3 Q And is it your understanding that the funds were
4 disbursed in three annual installments?
5 A I do not know.
6 MR. INGRISANO: Objection.
7 Foundation. Go ahead.
8 A I do not know.
9 Q In the paragraph after the paragraph I just read,
10 the last sentence reads, "Prior to the first
11 installment, EHS must also demonstrate it has
12 sufficient other funds to complete the renovation."
13 Did I read that correctly?
14 A Yes.
15 Q Do you know what funds, other than Goodman funds,
16 were contributed to the project, to the
17 construction project at the beginning?
18 A Yes.
19 Q And how much money was the original commitment by
20 Edgewood?
21 MR. INGRISANO: Object to
22 foundation. Form. Go ahead.
23 Q If you know.
24 A I do not recall.
25 Q Okay. Do you recall where that other money came

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1 from?
2 A Yes.
3 Q And where did that money come from?
4 A A handful of donors that are Edgewood-related
5 families.
6 Q Can you recall any specific donors who contributed
7 those funds?
8 A Yes.
9 Q And could you name the ones that you do recall?
10 A Yes.
11 Q Can you please do that for me?
12 A The Troy -- the Schwenn family, S-c-h-w-e-n-n.
13 Q Troy Schwenn?
14 A Troy Schwenn.
15 Q And his family? Okay. Any other donors that you
16 remember?
17 A There are others, but I am drawing a blank on
18 their names and there is an anonymous one that I
19 cannot say.
20 Q Because you don't know or because you won't tell
21 me?
22 A The anonymous?
23 Q Uh-huh.
24 A I won't tell you.
25 MR. INGRISANO: We'll move for a

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1 protective order on that one if we have to.
2 MS. ZYLSTRA: To not provide
3 it as opposed to providing it under a
4 confidential -- marking this part of the
5 deposition confidential?
6 MR. INGRISANO: I'll have to talk
7 to the client about that.
8 MS. ZYLSTRA: Okay. We'll address
9 that at another break.
10 Q As far as Troy Schwenn and his family, do you
11 recall whether they provided any conditions or
12 stipulations in connection with the money that
13 they donated?
14 A Yes.
15 Q And do you recall what those conditions and
16 stipulations were?
17 A They provided funds for us to purchase the
18 scoreboard that is on the field and in honor of
19 his wife who had passed away from breast cancer
20 and they wanted her name and their name associated
21 with the scoreboard.
22 Q Were there any conditions besides that the money
23 go toward the scoreboard and that the scoreboard
24 have her name on it?
25 A No. Not that I can recall.

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1 Q Okay. Do you know whether the anonymous donor
2 attached conditions or stipulations to the funds
3 that they donated?
4 A The anonymous donor -- I can't recall.
5 Q Okay. Can you recall any -- Even if you don't
6 recall the specific donor, can you recall any
7 other conditions or stipulations attached to funds
8 that you received to begin the renovation project?
9 MR. INGRISANO: Objection. Form.
10 Vague as to "you." You mean Edgewood?
11 Q That Edgewood, yes.
12 A No.
13 Q Okay. So you mentioned earlier that you were in
14 possession, you believe, of drawings or renderings
15 that were created at one point in time and
16 provided to the Goodman Foundation; is that correct?
17 A Yes.
18 Q And you can answer this yes or no, but do you
19 generally recall, have an image in your head, of
20 what those renderings looked like?
21 A Yes.
22 Q Do they differ in any significant way from what
23 the final renovation project looks like as it
24 stands today?
25 MR. INGRISANO: Objection. Form.

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1 Vague as to "significant." Go ahead.
2 A I don't know.
3 Q You don't know?
4 A I don't recall.
5 Q Are there any features -- Are there any
6 construction items, capital improvements, any
7 landscape features that are included in the
8 renderings to your recollection that are not at
9 that site today?
10 A I do not recall.
11 Q Do you know who had the contract, maybe the head
12 contract, to undertake the renovation
13 construction, who Edgewood's contractor was for
14 that construction?
15 A Not all the way because there is multiple
16 contractors involved in the construction of the
17 turf field and track.
18 Q Okay. To your understanding was there a lead
19 contractor?
20 A I do not know the answer to that.
21 Q Okay. Do you recall some of the companies that
22 were involved in the construction?
23 A Yes.
24 Q And what companies do you recall being involved?
25 A Parisi Construction.

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1 Q Okay.
2 A AstroTurf because the turfing is called AstroTurf,
3 and that's a company.
4 Q Okay.
5 A At this time, I can't say for sure who the others
6 were.
7 Q Okay. Do you recall any of what Parisi
8 Construction's role in the project was?
9 A I remember their trucks delivering the base of the
10 field, the gravel and everything else that goes
11 along with that, in both the track and the field.
12 Q Okay. Do you know who is the executive director
13 of the Goodman Foundation?
14 A No.
15 Q Have you ever met the executive director of the
16 Foundation or interacted with them?
17 A Not that I can recall.
18 Q Okay. So if you turn -- I forget what this
19 exhibit was.
20 COURT REPORTER: 96.
21 Q 96. If you turn to the second page of Exhibit 96,
22 one of the signatories is an E.G. Schramka, and
23 the document describes him as an executive
24 director; is that correct?
25 A That is correct.

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1 Q Does that --
2 A I do know E.G. Schramka and I have met him.
3 Q Okay. And you were aware in your interactions
4 with him that he was affiliated with the Goodman
5 Foundation?
6 A I was aware of that, yes. I was not aware he was
7 the executive director.
8 Q Okay. Fair enough. When is the first time that
9 you personally interacted with him, if you recall?
10 MR. INGRISANO: Objection. Form.
11 Vague as to time. Vague as to "personally
12 interacted." Go ahead.
13 A Years ago. I don't know a specific date.
14 Q Was it prior to 2014?
15 A Yes.
16 Q Okay. And do you remember the context in which
17 you met him the first time?
18 A His children and my children went to the same
19 grade school and high school.
20 Q And what grade school are you describing?
21 A Queen of Peace.
22 Q Okay. And which high school?
23 A Edgewood High School.
24 Q Okay. And I know you probably said it earlier,
25 but what years were your kids there that

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1 E.G. Schramka's kids were also there?
2 MR. INGRISANO: Objection.
3 Foundation as to Schramka's kids, but go
4 ahead.
5 A I'm recalling that my second youngest daughter and
6 one of their daughters were in the same class and
7 would have left Queen of Peace in 2001 or 2000 to
8 attend Edgewood High School. So it would have
9 been prior to 2000.
10 Q So your second youngest daughter graduated from
11 Queen of Peace the same year as one of his
12 daughters; is that correct?
13 A Correct.
14 Q And then they both started at Edgewood the
15 following year?
16 A Correct.
17 Q Okay. And are you aware that E.G. Schramka is now
18 on Edgewood High School's Board of Trustees?
19 A Yes.
20 Q Do you know when he joined the Board of Trustees?
21 A I do not.
22 Q Okay. Would you agree that after you completed
23 the renovations in 2015 that usage of the field
24 and the track increased?
25 A Yes.

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1 Q So let's start with the sports that you mentioned
2 using the track and field before.
3 So was there a difference in the usage of
4 the JV, or JV-1 or 2, boys and girls soccer, a
5 difference in the frequency of uses or types of
6 uses after the renovation?
7 MR. INGRISANO: Objection. Form.
8 Compound. Go ahead.
9 A Please explain that better.
10 Q So did the boys JV soccer team, did their use of
11 the soccer field change at all after the 2015
12 renovation?
13 A For boys, yes, because we had another soccer field
14 later on. You said after 2015, so it was like in
15 20 -- I don't recall exactly, but a couple years
16 after. We became one of the priority users of the
17 Reddan Soccer Complex in Verona. So their use
18 increased out there because football predominantly
19 used the turf field in the fall.
20 Girls soccer would be different than that.
21 Q And in what ways is girls soccer different?
22 A Football is in the fall, and so girls soccer
23 became the priority user of our turf field on
24 campus in the spring and only used Reddan in an
25 emergency situation when we could not play in the

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1 afternoon and it had to be a night game. And
2 because of not having lights, they would go out
3 and play at Reddan.
4 Q Okay. And I believe you stated that prior to the
5 2015 renovations only the JV and freshman soccer
6 teams -- of the soccer teams only freshman and
7 JV hosted competitions on the field prior to the
8 renovations; is that correct?
9 A The best I can recall, yes.
10 Q After the renovations, did varsity boys or girls
11 soccer begin hosting competitions on the field?
12 A Yes.
13 Q And do you recall the first time they did that?
14 A Fall of 2015 after the renovation would have been
15 completed.
16 Q And does soccer tend to host its games on a
17 particular day of the week or days of the week?
18 Is there a schedule like that?
19 MR. INGRISANO: Objection. Form.
20 Vague. Go ahead.
21 A Yes.
22 Q Okay. And what days would that be?
23 A Conference dates, typically Thursdays.
24 Nonconference dates, typically Tuesdays or
25 Saturdays.

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1 Q And you mentioned that later you entered into a
2 priority agreement with the Reddan complex and
3 soccer started using the Reddan complex more
4 frequently because of conflict with the football
5 team; is that correct?
6 A Boys soccer.
7 Q Boys soccer, yes. That's correct?
8 A That is correct.
9 Q And what days of the week are football games
10 typically held?
11 A Friday nights.
12 Q Okay. So would the conflict between boys soccer
13 and football for use of the Edgewood field be
14 conflict with the football team's need to practice
15 on the field?
16 A Yes.
17 Q Okay.
18 A And if I can add that typically the lower level
19 football game that would be played was on Thursday
20 nights. So that would hamper even more the boys
21 soccer's ability to play a conference game on
22 Thursday night.
23 Q And when you say lower level football, does that
24 include JV and freshman?
25 A JV and JV-2, yes.

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1 Q Okay. And they would typically play on the same
2 nights as each other?
3 A Yes.
4 MR. INGRISANO: Objection.
5 Q Okay. And what time on Thursdays did they
6 typically play?
7 MR. INGRISANO: Objection. Form.
8 Vague. They being who?
9 Q JV and freshman football on Thursday nights.
10 MR. INGRISANO: Okay.
11 A In August to the third week of September, 5:00 p.m.
12 As Daylight Savings Time, it began to get darker,
13 we would bump it up to 4:30 or 4:15 so it would be
14 done before dark.
15 Q And either JV or freshman, does one of those
16 follow the other in terms of playing order on
17 Thursday nights?
18 A If you have both teams, the conference rule is
19 5:00 and 7:00.
20 Q 5:00 and 7:00. And does JV or freshman typically
21 play first or is there at any time a set --
22 A The JV-2 typically plays the first game, which is
23 the freshman.
24 Q Okay. Forgive me if you already told me this, but
25 for varsity boys soccer, what time of day would

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1 their games normally be?
2 A The conference bylaw would be 5:00 for JV and 7:00
3 for varsity.
4 Q Okay. And did that change at all during
5 championships, tournaments?
6 MR. INGRISANO: Objection. Form,
7 vague. Go ahead.
8 A In post-season the only teams playing are varsity
9 level competition teams.
10 Q And -- sorry.
11 A The times are adjusted according to who the host
12 is, what type of surface you have, and whether you
13 have lights or not.
14 Q And you said that occurs during -- was it a
15 championship? A tournament? What is it called
16 for varsity soccer?
17 A I was referring to the post-season WIAA tournament
18 series.
19 Q Okay. Post-season tournament series. Do you
20 recall from 2015 onward how many years, or was it
21 every year, that Edgewood boys soccer participated
22 in the post-season?
23 A Every year.
24 Q Every year, okay. And you had mentioned that the
25 time would be set according to what type of field,

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1 correct, and whether or not there was lights.
2 Are there lights at the Reddan complex?
3 MR. INGRISANO: Objection. Form.
4 Incomplete characterization of testimony.
5 Go ahead.
6 A Yes.
7 Q Okay. Did Edgewood ever host post-season
8 tournament games at the Edgewood field?
9 A Yes.
10 Q Did it ever host games -- post-season tournament
11 games at the Reddan complex?
12 A Yes.
13 Q And could you describe the differences in timing
14 that you had described before, could you explain
15 what effect they would have had on the field games
16 or -- the Edgewood field games versus the Reddan
17 sports complex?
18 MR. INGRISANO: Objection. Form.
19 Vague. Go ahead.
20 A The games held at Edgewood on a weeknight would
21 begin at 4:00 and attendance would be up because
22 students would leave the school building and head
23 right out to watch their varsity soccer team play.
24 When we were at Reddan, we'd play at
25 7:00 p.m. Correction. When we were at Reddan and

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1 we were with Verona High School, one of us would
 2 play at 5:00, one of us would play at 7:00, and it
 3 would rotate.
 4 For example, if we played a Thursday playoff
 5 game there and the athletic director from Verona
 6 and I, we came to an agreement that, okay,
 7 Edgewood will play this Thursday at 5:00, and then
 8 the following Thursday if both teams have still
 9 survived and advanced, Verona would play the first
 10 game, we would play the second game.
 11 Otherwise, if it was one team there, it would
 12 be a 7:00 p.m. start.
 13 Q All right.
 14 A And attendance would be very low.
 15 Q And is that due to a WIAA rule that if there is
 16 one team there it must be a 7:00 p.m. start?
 17 A If it is a weeknight game, per WIAA, they will
 18 state in the handbook a 7:00 p.m. start unless
 19 there is extenuating circumstances of, for
 20 example, not having lights or weather conditions.
 21 Q Do you know what time of day classes at Edgewood
 22 High School typically end?
 23 A 3:20 p.m.
 24 Q Okay. So we've covered soccer. Football, what
 25 changes -- So if you recall my earlier question

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1 was how did use of the field, track and field,
 2 change before the renovation and after the
 3 renovation for various teams.
 4 For football, for the football program as a
 5 whole, how did usage of the field change after the
 6 2015 renovations?
 7 A We were practicing on a very safe surface. We
 8 were able to walk out our doors onto the --
 9 because of the way the renovation came out and
 10 everything else, the field surface and -- what's
 11 the word I'm looking for -- in closeness to our
 12 building and their locker room and in terms of
 13 equipment being available, that became much more
 14 assessable for us and there was less time spent
 15 on -- equipment just stayed in better shape longer
 16 because it's not in mud and not on grass and not
 17 put in improper storage or things like that.
 18 We did not -- Unless there was lightning,
 19 weather was not a concern. Since we were on
 20 campus, if weather was a concern, we could step
 21 into our own gymnasium. We had better attendance
 22 at practice because we knew on a consistent basis
 23 practice was going to be held and right outside
 24 the doors, and so there was less of any kind of
 25 kids wondering if there is practice because of the

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1 field conditions or things like that.
 2 Drills improved because we didn't have to
 3 worry about the condition of the surface as much
 4 and they were able to -- you know, they felt safer
 5 about drills, kids not stepping in holes and
 6 things like that.
 7 That's a bunch of what I can recall right
 8 now.
 9 Q Okay. Thank you for that.
 10 I believe you had testified earlier that with
 11 the exception of a game in 1994 and a game in 1995
 12 varsity football did not host athletic contests on
 13 that field prior to the 2015 renovations; is that
 14 correct?
 15 A That is not correct.
 16 Q Okay.
 17 A Based on pictures in yearbooks of a game being
 18 held out on that field in the '20s or '30s.
 19 Q Okay. During your tenure, were the only varsity
 20 football games hosted on the field prior to 2015
 21 the games that you mentioned in 1994 and 1995?
 22 A To the best of my recollection, yes.
 23 Q Okay. Did varsity football begin hosting games on
 24 the field after the renovations?
 25 A Yes.

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1 Q Okay. And did you testify earlier that there are
 2 nine regular season games for varsity football?
 3 A Yes. Per WIAA rules, you are allowed nine games.
 4 Q Okay. And how many of those games would be home
 5 games typically?
 6 A A typical schedule set up that you would have one
 7 year five home games and four road, and if you
 8 played the same opponents in the conference and
 9 nonconference, then it would flip and then next
 10 year it would be -- I can't remember what I said.
 11 The opposite of that, four home games and five
 12 road games.
 13 Q Okay. And you said earlier those games are
 14 Fridays at 7:00 p.m.?
 15 A Yes.
 16 Q Okay.
 17 A That is the recommended time when the facilities
 18 allow, yes.
 19 Q Sorry. Could you explain what you mean by that?
 20 A For a school that has their own home football
 21 field with lights, they will play at 7:00. For a
 22 school like us, it has happened in the past we did
 23 not have our own field and the 4 or -- the field
 24 that we were scheduled to play on, if there was a
 25 conflict, then we could be bumped up to, like,

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1 4:00.
2 Q And you would only be able -- Edgewood would only
3 be able to have a 4:00 varsity football game if
4 there was a conflict with another team for the use
5 of the field at 7:00 p.m.; is that correct?
6 MR. INGRISANO: Objection.
7 A Can you rephrase that, please?
8 Q Yes. I was trying to ask to rephrase, ask you to
9 rephrase what you had said before.
10 MR. JEAN-LOUIS: Could you read
11 back his last response before I asked that
12 question?
13 (Answer read)
14 Q So when you said we could be bumped up to 4:00,
15 does that mean that you could only play at 4:00 if
16 there was a conflict?
17 A No.
18 Q So the 7:00 p.m. time that you had mentioned,
19 that is a recommendation, not a requirement of the
20 WIAA?
21 A It is not a WIAA requirement. It is a Badger
22 Conference bylaw, of which we are a member of.
23 Excuse me. We are now a member of, in
24 football, the Capitol Conference starting this
25 fall. But it's the same. We were Rock Valley for

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1 one -- it's confusing. It was Badger Conference
2 until 2020. In 2021 we were assigned to the Rock
3 Valley Conference by the WIAA. And then it was
4 also realigned to start in the fall of '22 that we
5 join the Capitol Conference. But all three of
6 those conferences' bylaws state 7:00 p.m. starts.
7 Q And is it the bylaws that make an exception and
8 allow you to play earlier than 7:00 p.m. in the
9 case of a conflict or is that just an
10 accommodation that teams have made of Edgewood in
11 the past?
12 MR. INGRISANO: Objection. Form.
13 Go ahead.
14 A That would be us reaching out to the other school
15 explaining our situation.
16 Q Okay. For the track team, did their usage of the
17 field, the field or the track, change after the
18 renovations?
19 A Yes.
20 Q And did they -- I don't recall. Did they host
21 athletic competitions before the renovations, in
22 the few years before the renovations?
23 MR. INGRISANO: Objection. Form.
24 Vague as to "few." Go ahead.
25 A We hosted parochial school junior high. We hosted

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1 an annual junior high parochial school track meet,
2 non -- not any high school track meets before the
3 renovation.
4 Q Okay. After the renovation did Edgewood host any
5 high school track meets?
6 A Yes.
7 Q Okay. And did those include field competitions?
8 A Yes.
9 Q Did they include shot put?
10 A Yes.
11 Q And did they include discus?
12 A Yes.
13 Q Could you describe to me where on the field the
14 shot put would take place?
15 A The shot put is off to the side of the starter's
16 area for the sprints. And did you ask me about
17 discus?
18 Q When you say to the side, do you mean the inside
19 of the track?
20 A Outside of the track.
21 Q Outside of the track, okay. And is discus the
22 same location?
23 A Discus is across the parking lot on a grassy field
24 in front of the high school.
25 Q Okay. How many track meets -- track and field

Page 68

1 meets would you say since 2015 would typically
2 occur in a year that Edgewood would host for
3 high school?
4 A It depends on the assigned schedule from the
5 Badger Conference, which is what track is. Every
6 other sport is still in the Badger Conference
7 except for football. So making myself clear on
8 that.
9 It would depend on whether we were under
10 obligation to host what would be a quadrangular or
11 the conference meet. It so happened this year we
12 didn't get either. Last year we were required and
13 hosted a triangular, a three-team meet, but we
14 were also the assigned school by alphabetical
15 order to host the conference meet. So last year
16 we had two.
17 The year previous, the two years previous to
18 that we had one assigned by the Badger Conference
19 that were either a triangular or a quadrangular.
20 Q Okay. And prior to the renovations did Edgewood
21 High School's track and field team participate in
22 those triangular and quad --
23 A Quadrangulars or conference.
24 Q -- quadrangular meets but just not host any?
25 A That would be accurate.

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1 Q Okay. What's the highest number of track and
2 field meets that have been hosted in a track and
3 field season, if you know?
4 MR. INGRISANO: Objection. Form.
5 Vague as to time.
6 Q Since 2014.
7 A At Edgewood?
8 Q Yes.
9 A Two.
10 Q Two?
11 A Two to my best recollection. Excuse me. If I
12 include the parochial, three.
13 Q Okay.
14 MR. INGRISANO: Are we at a natural
15 stopping point?
16 MR. JEAN-LOUIS: Yeah.
17 MR. INGRISANO: Thank you.
18 (Recess)
19 Q So besides football, soccer, and track I believe
20 are the three we discussed, were there any other
21 Edgewood teams that began using the field,
22 Edgewood's field, to host athletic competitions
23 after 2015?
24 A Lacrosse.
25 Q Lacrosse. Were there teams other than Edgewood

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1 teams that hosted athletic contests at Edgewood's
2 field?
3 MR. INGRISANO: Objection. Form.
4 Vague as to time. Go ahead.
5 A Yes.
6 Q After 2015?
7 A Yes.
8 Q And what teams do you recall doing that?
9 A West High School, University of Wisconsin lacrosse
10 club team.
11 Q University of Wisconsin lacrosse club team?
12 A Sorry. The University of Wisconsin.
13 Q Okay.
14 A As in the Badgers, their lacrosse club teams.
15 Q Okay.
16 A Okay.
17 Q And for West High School, what sport were you
18 referring to?
19 A Competitions?
20 Q Uh-huh.
21 A Soccer. Girls and boys.
22 Q And just to be clear, so for UW, that's
23 UW-Madison's club lacrosse team?
24 A Correct.
25 Q Okay. Any other teams that you recall?

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1 A Just -- you're talking just competitions right
2 now?
3 Q Yes.
4 A Yes, but I cannot recall any names at the moment.
5 Q Do you recall the sport?
6 A It would have been the main sports that are using
7 the field now: football, soccer, track, lacrosse,
8 parochial schools. The parochial schools held a
9 tournament out there in flag football. Well, we
10 hosted them in their tournament.
11 (Exhibit No. 97 marked for
12 identification)
13 Q So I'm handing you the exhibit that has been
14 marked as Exhibit 97. Do you want to -- could you
15 take a look at it for me?
16 A Everything?
17 Q Yes, please.
18 A Okay. I'm finished.
19 Q Okay. So this is an email exchange that you had;
20 is that correct?
21 A Yes.
22 Q And it's with a Bob Joers; is that correct?
23 A Yes.
24 Q Okay. Could you describe for me who Bob Joers is
25 or what his role was in 2016 when these emails are

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1 dated?
2 A Bob Joers, God bless his soul, was the athletic
3 director of Middleton High School at this time.
4 He has since passed away.
5 Q So on the email at the top of the first page, you
6 say, "Bob, thinking of next FB season, what is the
7 latest on your renovation of the stadium for FB?"
8 Did I read that correctly?
9 A Yes.
10 Q FB is football?
11 A Yes.
12 Q Were you aware of plans to renovate Middleton's
13 football field?
14 A Yes.
15 Q Do you know whether that renovation occurred?
16 A I cannot recall exactly. I think there has been a
17 couple renovations there, but I cannot put a
18 timeframe to either of them, quite honestly.
19 Q Okay. Then on the third page here, that email at
20 the top of the third page, it looks like it says,
21 in the second paragraph of that email, "I do need
22 you to know that it looks like we will need the FB
23 stadium one more year and I believe the schedule
24 says we have no conflicts - can you confirm this
25 when you get the chance." Did I read that

Page 73

1 correctly?

2 A Yes.

3 Q What did you mean when you said that we will need

4 the FB stadium for one more year?

5 A From my recollection, I would have meant that it

6 was still going to be difficult to host football

7 games on our campus and that we still needed to be

8 playing on their field one more year.

9 Q Prior to the date of this email, had you indicated

10 to Bob that you likely wouldn't or possibly

11 wouldn't need to use Middleton's football field

12 the following year? The year that this email is

13 referring to?

14 A Can you give me the date you're thinking of,

15 please?

16 Q So the email I just read from is dated May 2,

17 2016; is that correct?

18 A Yes.

19 Q At some time prior to May 2, 2016, had you

20 indicated to Bob that it was likely or a

21 possibility that you would not need to use

22 Middleton's football field the following year?

23 A I cannot recall.

24 Q Okay. Did you end up using Middleton's football

25 field in the year following this email?

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1 A Specifically when?

2 Q So where it says, "it looks like we will need the

3 football stadium one more year," do you know what

4 time period you were referring to in this sentence?

5 A The football season in the following fall.

6 Q So would that be the fall of 2016 or the fall of

7 2017?

8 A Based on this data here, I would be asking for the

9 fall of 2017.

10 Q Okay. And what on this document makes you believe

11 that you would have been asking about the fall of

12 2017?

13 A The date of the email of October 11, 2016, which

14 means that we would have been in the middle of a

15 football season, and my statement of me saying,

16 "Thinking of next football season."

17 Q On the third page, that email is dated May 2016,

18 the top email; is that correct?

19 MR. INGRISANO: I am going to

20 object to this exhibit because it is two

21 separate emails.

22 MR. JEAN-LOUIS: Is that what

23 happened?

24 MR. INGRISANO: Exhibit 97 is two

25 distinct email chains. So as a result of

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1 that, I'll object to it.

2 MR. JEAN-LOUIS: I believe that

3 they were presented as one document in the

4 discovery. We can treat them separately if

5 that is indeed the case.

6 Q So for the third page, that email thread, do you

7 know whether you were referring to the fall of

8 2016 or the fall of 2017 where you said, "it looks

9 like we will need the FB stadium one more year"?

10 MR. INGRISANO: Are you on the

11 right page now? All right.

12 A Based on this email chain, I would say I was

13 referring to the fall of 2017.

14 Q Okay. Do you know whether you used Middleton's

15 football field to host Edgewood home football

16 games during the fall of 2017?

17 A I really can't recall.

18 Q If you'd turn to the last page here, it says,

19 "The FB schedules all line up for us. I will send

20 you a projected 2016 schedule even I am hoping we

21 have our own stadium at that time. Thanks Bob!!"

22 MS. ZYLSTRA: 2017.

23 MR. JEAN-LOUIS: Did I say 2016?

24 MS. ZYLSTRA: Yes.

25 Q Sorry. I'll read that again. "The FB schedules

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1 all line up for us. I will send you a projected

2 2017 schedule even I am hoping we have our own

3 stadium at that time. Thanks Bob!!" Did I read

4 that correctly?

5 A Yes.

6 Q When you say the FB schedules all line up for us,

7 are you referring to the 2016 football schedule or

8 the 2017 football schedule?

9 A I would be referring to the 2017 football

10 schedule.

11 Q Okay. And when you say, "I am hoping we have our

12 own stadium at that time," what did you mean by

13 that?

14 A That we would have had all the necessary things in

15 place to be able to start hosting football games

16 on Monroe Street at Edgewood High School.

17 Q And what are the necessary things to host football

18 games on Monroe Street at Edgewood High School,

19 varsity football?

20 A Well, lights would be one. Seating. Press box.

21 With our turf field, we had everything else.

22 Q Okay. When you say lights are necessary, is there

23 a WIAA rule requiring -- or a conference rule

24 requiring lights for varsity football games?

25 A There is a Badger Conference bylaw stating Friday

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1 night games starting at 7:00 p.m. At this time we
2 were in the Badger Conference for football.
3 Q You were in Badger, you said?
4 A Yes.
5 Q Okay. Any other regulations, rules having to do
6 with lights that Edgewood was subject to from
7 either the conference or WIAA?
8 A I'm sorry. Can you say that again?
9 Q Were there any explicit requirements either from
10 the Badger Conference or the WIAA that if Edgewood
11 were to host varsity football games on its campus
12 field that lights were a requirement?
13 A Were there any other? No. None that I can think
14 of.
15 Q Okay. You had mentioned seating being a necessary
16 factor. What type of seating or what amount --
17 what did you mean when you listed seating?
18 A That the hope would be we would have bleachers
19 that could at least hold what our projected
20 numbers were that we gave of our average
21 attendance. That's what I would mean by that.
22 Q And when you say projected numbers, are you
23 referring to the projected numbers that you had
24 discussed earlier that were provided to the
25 Goodman Foundation?

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1 A Yes.
2 Q Okay. Are there any Badger Conference rules or
3 WIAA rules requiring a minimum amount of seating
4 for varsity football games?
5 A No.
6 Q And is that true during both the regular season
7 and, I forget if it's a tournament or conference?
8 MR. INGRISANO: Objection. Form.
9 Go ahead.
10 A If you reach a certain level of the playoffs, you
11 would be only allowed to host a game if you met a
12 certain number of seats that could be available.
13 Q And could you explain to me what level of the
14 playoffs that would be?
15 A I believe it would be if you reached level three
16 or four, which would be quarter finals and
17 semifinals, that you could be a neutral site for
18 two teams close to you if you had enough seating.
19 Q So when you were describing a neutral site for two
20 teams close to you, you're describing it would be
21 Edgewood or another school's field but two schools
22 other than the owner of the field are playing in
23 that game; is that correct?
24 A That is correct.
25 Q Okay. Are there requirements pertaining to the

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1 home field -- So if you advance to level three or
2 four and you don't have the requisite number of
3 seats available that are specified to be a neutral
4 site, do you have to use a neutral site going
5 forward in the tournament, in the playoffs?
6 MR. INGRISANO: Objection. Form.
7 A My recollection would be is if you reached -- the
8 answer is yes for level three. The answer for
9 level four would be -- my recollection is that
10 level four is played at a neutral site no matter
11 what.
12 Q Since 2015 how many years, if any, did Edgewood's
13 varsity football team reach level three of the
14 playoffs?
15 A Once. It would have been this past fall.
16 Q And is that the only time?
17 A Since 2015, yes.
18 Q Okay. And once you reach level three of the
19 playoffs, how many playoff games are there left in
20 the playoffs, if a team were to advance through
21 all of them?
22 A My recollection is is there is five post-season
23 games to play in the championship game. So five
24 levels. So the answer would be two after level
25 three.

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1 Q So there would be a level four game and a level
2 five game?
3 A The level five game is the one played at
4 Camp Randall.
5 Q And is that the game -- When you said that there
6 is a game that must always be played at a neutral
7 location, were you referring to level four or were
8 you referring to level five?
9 A I am referring to -- well, both, in a sense,
10 because level five is the state championship game
11 hosted by the WIAA at Camp Randall. But level
12 four would still be played at a high school venue
13 that is selected by the WIAA.
14 Q And would that venue ever be a venue that one of
15 the competing teams owns?
16 A It's not intended for that, no.
17 Q Is that allowed, to your knowledge?
18 A To my knowledge, no.
19 Q Okay.
20 A It's a neutral site.
21 Q Okay. So the only -- So the lowest level that the
22 minimum seating requirement to host applies to is
23 level three; is that correct?
24 A To the best of my recollection, yes.
25 Q Okay. So is level three games the only game that

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1 whether or not you could host your game that you
2 were playing at on your own field could be --
3 sorry. Let me rephrase that.
4 Is the level three game the only game in the
5 playoff series where your ability as a team in the
6 playoffs to host a game that you are competing in
7 could be contingent on the amount of seats that
8 you have in your field?
9 A Yes.
10 Q Okay. And in this past season where did Edgewood
11 play its level three game?
12 A We would have played it at Breese Stevens.
13 Q When you say "would have played," are you saying
14 that you believe that's where it was played?
15 A We were removed from the playoffs because of an
16 ineligible player.
17 Q So Edgewood did not play in the level three?
18 A We did not advance to level three.
19 Q Okay. So in May of 2016, on the third page of
20 this exhibit that we were just looking at, in
21 May of 2016 you were hopeful at that time that you
22 could have all the elements you described, which
23 would be lighting, additional seating, and -- I
24 actually lost my note here -- and a press box.
25 Were there any plans yet at that point that

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1 Edgewood had begun formulating to achieve those
2 things?
3 MR. INGRISANO: Objection.
4 Foundation. Go ahead.
5 A What do you mean by plans?
6 Q So when you said that you were hopeful, were you
7 hopeful because you were aware of efforts or ideas
8 that were being passed around toward, you know,
9 acquiring those elements of a varsity football
10 home stadium?
11 MR. INGRISANO: Objection. Form.
12 Go ahead.
13 A I would say yes to the word hopeful.
14 Q Where was your hope coming from?
15 A I believe at that time we had started the
16 neighborhood meetings and we had researched the
17 neighbors' requests about lighting, sound,
18 seating, traffic. They asked us to look into
19 those.
20 And so from that, I was hopeful we would be
21 able to come to an agreement with the neighbors
22 that they liked our research we did in those areas
23 enough that then they would allow us to proceed to
24 play night games there.
25 Q So do you believe that in May of 2016 Edgewood had

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1 already done some research to identify solutions
2 to the neighbors' concerns?
3 A I do not believe we had started in 2016.
4 Q Okay. So what had happened so far in 2016 that
5 made you hopeful in May of 2016?
6 A That I believe that we were working on getting --
7 putting together a plan to share with the
8 neighbors.
9 Q Okay. And were you involved in creating that plan?
10 A No.
11 Q But you were aware that there were people who were
12 putting together a plan?
13 A Yeah.
14 Q And who were you aware was involved in that effort
15 in May of 2016?
16 A Our president, selected board -- we don't have a
17 Board of Education like a public school. We have
18 a Board of Trustees. Kind of similar.
19 So our president and selected board members,
20 along with the chairperson of the Board of
21 Trustees, and the professionals who would
22 represent lighting, sound. For now, that's what
23 I can recollect the most.
24 Q Okay. Do you know who was the president of the
25 Board of Trustees in May of 2016?

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1 A I need a minute to go back. I cannot say for
2 sure.
3 Q Can you recall any specific trustees who were
4 involved in this project or this planning in May
5 of 2016?
6 A No.
7 Q Okay. Do you know -- Or what professionals that
8 you referred to, what professionals do you believe
9 were involved at that time?
10 A What do you mean by professionals?
11 Q So you had referenced that the team included
12 professionals related to sound and to lighting.
13 Are those professionals from specific companies?
14 Which companies would those be?
15 A I cannot specifically remember the companies'
16 names.
17 Q Okay. Are you familiar with a company called
18 Potter Lawson?
19 A Yes.
20 Q Were they involved in preparing this planning or
21 this eventual proposal to the neighborhood?
22 MR. INGRISANO: Objection.
23 Foundation. Go ahead.
24 A I can speak to the fact I know they were involved
25 in renovations inside our building. I cannot

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1 specifically say that they were involved in the
2 sports complex.
3 Q And which building are you referring to that they
4 were involved in renovations inside of it?
5 A The main -- the high school.
6 Q Would that be the Commons building?
7 MR. INGRISANO: Objection. Form,
8 vague.
9 Q Is there a name for that building?
10 A Well, it's called Edgewood High School. It's one
11 big building.
12 Q It's one big building, okay. Are you familiar
13 with the company Vandewalle & Associates?
14 A Yes.
15 Q Were they involved in the planning of getting a
16 football stadium?
17 MR. INGRISANO: Objection.
18 Foundation. Go ahead.
19 A Yes.
20 Q Do you know roughly when they became involved?
21 A No, I do not.
22 Q Do you know whether they would have been involved
23 yet in May of 2016?
24 A I do not know for sure.
25 Q Okay. Are you familiar with Wood Communications?

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1 A Yes.
2 Q And do you know whether they were involved in this
3 planning process?
4 A Yes.
5 Q And do you know whether they had been involved yet
6 in May of 2016?
7 A I'm going to say that I believe they hadn't been
8 involved at that time.
9 Q And are you familiar with a company called, I
10 believe it's TALASKE, is that how you -- TALASKE?
11 A That name I'm not familiar with.
12 Q Okay. Are you familiar with a company spelled
13 T-A-L-A-S-K-E?
14 A No.
15 Q Okay. So earlier you had mentioned meetings with
16 the neighbors that began occurring at some point
17 relating to this football stadium plan; is that
18 correct?
19 MR. INGRISANO: Objection. Form,
20 vague. Go ahead.
21 A Yes. I hesitate because stadium was not our
22 intention.
23 Q Okay.
24 A But yes on the meetings.
25 Q Okay. Relating to plans to have items like a

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1 press box and lights and additional seating;
2 correct?
3 A Yes.
4 Q Okay. When do you believe those meetings began,
5 if you know?
6 A I do not know specifically.
7 Q Did you attend any of those meetings?
8 A Yes.
9 Q Can you recall when was the first time you
10 attended one of those meetings?
11 A Not specifically, no.
12 Q Can you recall any dates that you attended or any
13 time periods that you attended?
14 A No.
15 Q What was your role in the meetings that you did
16 attend?
17 A To listen to the presenters that were talking
18 about the parking, the sound, the lights. I do
19 not recollect that I ever had to speak at one.
20 Q Those presenters who you mentioned who were
21 speaking about parking, sound, and lights, are
22 those presenters people affiliated with Edgewood
23 or are they people who are members of the
24 neighborhood or -- well, who are they?
25 A They were representatives of their profession.

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1 Q And who invited them to the meetings that you
2 attended?
3 MR. INGRISANO: Objection.
4 Foundation.
5 Q If you know?
6 A I do not know that specifically.
7 Q To your knowledge they were not invited by
8 Edgewood?
9 A I do not remember, recall.
10 Q The meetings that you did attend, do you remember
11 the years that those meetings would have been?
12 A No.
13 (Exhibit No. 98 marked for
14 identification)
15 Q Take a moment to familiarize yourself with it.
16 A I'm finished.
17 Q Okay. Have you ever seen this document before?
18 A Yes.
19 Q Okay. Do you recall the context in which you saw
20 the document?
21 A To the best of my recollection, it was shared with
22 me to say to review it and understand their
23 explanation on the five points from the neighbors
24 that we were working with them on and to just know
25 that that was going out, and if anybody would ask

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1 me about it or what's on it, I would be able to
2 answer them.
3 Q So your testimony is you reviewed it before it was
4 provided to people outside of the organization?
5 A No, I can't say that I reviewed it before it was
6 sent to others.
7 Q Okay. The first paragraph of this document, do
8 you believe everything in this first paragraph is
9 true?
10 MR. INGRISANO: Objection.
11 Foundation.
12 A The January 30 line?
13 Q Yes. That paragraph.
14 MR. INGRISANO: Same objection.
15 A Yes, I believe it's generally true.
16 Q Do you know whether you would have attended that
17 January 30 informational meeting?
18 A Can you ask me that again, please?
19 Q Do you believe that you attended the January 30,
20 2017, meeting that's referenced?
21 A Yes, I believe I did.
22 Q Okay. And the next sentence discusses, it states,
23 "Edgewood has worked collaboratively for about a
24 year with the Dudgeon-Monroe and Vilas
25 Neighborhood Liaison Committees to learn and

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1 address our neighbors' viewpoints about Edgewood
2 playing home soccer and lacrosse matches, football
3 games, and track and field events on its campus."
4 Did I read that correctly?
5 A Yes.
6 Q Had you been involved in the collaborative
7 processes described as occurring over the course
8 of the previous year?
9 MR. INGRISANO: Objection. Form.
10 Asked and answered. Go ahead.
11 A No.
12 Q No, okay. What, if anything, do you recall in
13 terms of what was presented at the January 30
14 meeting?
15 A The explanation of these five areas, and I cannot
16 say for sure that all were represented or
17 explained by a professional in that area, but I
18 believe the last two were explained by our
19 president with a lighting and sound person there,
20 and they would have only spoke at this one if they
21 were asked questions or needed further explanation.
22 Q Okay. Do you recall whether Edgewood received
23 feedback from the neighbors who attended this
24 meeting as to the adequacy of the measures or
25 explanations that were presented on these five

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1 areas that are identified?
2 A Please rephrase it.
3 Q Yeah. Okay. So my understanding is that,
4 you know, the informational meeting was to provide
5 Edgewood's neighbors information about what the
6 traffic effect would likely be like, what the
7 parking situation would be like, how intense the
8 usage would be, what the lighting would look like
9 at the field, and how loud the sound would be or
10 what times there would be sound, items like that.
11 Is that correct?
12 MR. INGRISANO: Objection. Form.
13 Go ahead.
14 A Please explain what you mean by feedback and how I
15 got the feedback.
16 Q Yes. So do you recall people in -- people who
17 attended that meeting either during the meeting or
18 maybe emailing you after the meeting stating their
19 belief about whether or not the information
20 provided at that meeting alleviated their concerns
21 or created new concerns or made them more excited
22 about the project, less excited about the project,
23 et cetera?
24 MR. INGRISANO: Objection. Form.
25 Vague as to "people." Are you asking about

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1 neighbors?
2 MR. JEAN-LOUIS: Neighbors, yes.
3 MR. INGRISANO: Okay.
4 A Yes.
5 Q And of these five areas that are identified on the
6 document, were there any in particular that
7 received the most feedback?
8 MR. INGRISANO: To him?
9 Q That you were aware of.
10 A None of the feedback specifically was directed at
11 me. I do not recall seeing emails sent to me.
12 My recollection would be that the lighting
13 and sound always drew the most attention, and then
14 the next would have been the usage.
15 Q Okay. And of the feedback that you were aware of
16 regarding the lighting and the sound, would you
17 say that it tended to be positive or negative
18 feedback from the neighbors?
19 A Lack of trust by the neighbors on the accuracy of
20 the information. So negative.
21 Q Okay. And in any of the feedback that you were
22 aware of, was there a basis given for where that
23 lack of trust was stemming from?
24 A To the best of my recollection, it would have
25 stemmed back years ago of projects proposed by the

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1 college more than the high school, that the
2 information or follow-through, for a variety of
3 reasons of what I don't know, didn't turn out to
4 be what was discussed in meetings, I think that
5 carried over into these meetings then of why would
6 we trust you now when things happened before, and
7 I'm including the college on this, that didn't end
8 up -- and, again, I can't specifically say. I'm
9 just telling what you the phrase was. And then
10 they directed that toward the high school.
11 Q And to the best of your recollection, the previous
12 projects that neighbors had been frustrated with,
13 were they all projects by the college?
14 MR. INGRISANO: Objection.
15 Foundation.
16 A I'm thinking it through of what's been new there
17 since I've been there. There has been a lot of
18 new things done there.
19 Q Yeah.
20 A I would say a majority of them were projects from
21 the college were the basis of their doubt.
22 Edgewood added a new facility in '96 that I was
23 not part of the planning. I was there but I
24 wasn't part of the planning, the layout, the
25 construction, whatever, that I'm sure that that

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1 probably created some lack of trust too because
2 that was our -- previous to the last couple years,
3 that was our biggest renovation project on campus
4 prior to the college and the neighbors working on
5 putting the road through the campus.
6 Q Okay. And do you recall what that project was
7 that you referenced?
8 A It was a new gymnasium.
9 Q New gymnasium. Is that the Edgedome?
10 A No.
11 Q No? Okay.
12 A It's the Krantz Center.
13 Q The Krantz Center, okay.
14 MR. INGRISANO: Can we break for
15 lunch?
16 MR. JEAN-LOUIS: Yeah. That's what
17 I was about to suggest.
18 (Lunch recess)
19 Q Can we return to the document that had been marked
20 as Exhibit 97.
21 A Okay.
22 Q So on the third page of that exhibit, it states,
23 "it looks like we will need the football stadium
24 one more year and I believe the schedule says that
25 we have no conflicts." You had testified earlier

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1 you believe that's referring to the fall of 2017;
2 correct?
3 A Correct.
4 Q Is that typically how far in advance -- would it
5 be typical to reserve, you know, a football
6 stadium for your team's season over a year in
7 advance of the season?
8 A Yes. So this wouldn't have been over a year.
9 This was, you know, like four months out from
10 May 2nd.
11 But in our case, when we don't have our own
12 facility, we would have to be starting to make
13 arrangements -- for next year, in the fall we
14 started to make arrangements with Breese Stevens
15 probably about six months out.
16 Q Six months out from the start of the season?
17 A Correct.
18 Q Okay. You said based on this email it's four
19 months out. But this email is dated May 2, 2016,
20 and you said you believe you're referring to the
21 fall of 2017?
22 A Yes.
23 Q So that would be more than a year after May of
24 2016.
25 A No. So this is May 2 -- oh. Yeah. Yeah, you

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1 would be right, because the fall of '16 would have
2 been about four months. No, that's not typical
3 for us to reach out that far ahead.
4 Q Okay. But it looks like in this instance you did
5 do that?
6 A Yes. It looks like that, yes.
7 Q Okay. And is it your recollection that the --
8 if you turn to the fourth page, it says, "The FB
9 schedules all line up for us. I will send you a
10 projected 2017 schedule even as I'm hoping we have
11 our own stadium at that time."
12 Is it your recollection that the schedules
13 meshed up, there was no conflicts?
14 MR. INGRISANO: Objection. Form.
15 A Yes.
16 Q Okay. And in later years you said when you used
17 Breese Stevens you would typically book that about
18 four months in advance; is that correct?
19 MR. INGRISANO: Objection. Form.
20 A Around there, yes.
21 Q Okay. And who would you coordinate with? Who
22 would you coordinate that with?
23 A The City of Madison.
24 Q The City of Madison. Okay.
25 A Their designee.

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1 Q Their designee?
2 A That we work through to reserve Breese Stevens.
3 Q Okay. Are you typically able to host all of your
4 games at Breese Stevens that you would like to
5 host?
6 A No.
7 MR. INGRISANO: Objection. Form.
8 A No.
9 Q And what types of events would normally be
10 conflicting with your desired football times?
11 MR. INGRISANO: Objection.
12 Foundation.
13 A Concerts and other events would bump us from
14 Breese Stevens. As an example, a concert.
15 Q Okay. So when you're scheduling your football
16 season -- and what year -- you mentioned,
17 you know, after Middleton you would use Breese
18 Stevens. What year did you start using Breese
19 Stevens as your targeted venue?
20 MR. INGRISANO: Objection. Form.
21 Vague as to "targeted venue." Go ahead.
22 A I'm not sure.
23 Q Okay. Do you recall whether you used
24 Breese Stevens for the fall of 2018?
25 A I do not know for sure.

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1 Q Okay. If four months out you reach out to
2 Breese Stevens and you're told that there is a
3 conflict for a date that you request, what is your
4 next step at that point?
5 A Our next step is to take a look at where we've
6 played in the past and contact them to see if they
7 have availability or potentially -- that would be
8 it. We would first start there.
9 Q Okay.
10 (Exhibit No. 99 marked for
11 identification)
12 Q I've handed you a document marked as Exhibit 99.
13 Could you read through this for me?
14 A Yes.
15 MR. INGRISANO: Out loud?
16 Q No. To yourself.
17 A I'm finished.
18 Q Okay. So if you'd take a look at the first
19 page, toward the bottom there is an email dated
20 August 16, 2018, written by you to a T.J. Is that
21 correct?
22 A Yes.
23 Q And it looks like from this document T.J. Rogness
24 was at this time the athletic director of East
25 High School?

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1 A Yes.
2 Q And at the bottom you say, "TJ, would you mind
3 sending the WIAA saying you share Breese with us?
4 Or do you have any other advice for me?" Did I
5 read that correctly?
6 A Yes.
7 Q What were you referring to when you said that --
8 where you indicated he should tell the WIAA that
9 you share Breese with East High School?
10 A This would be in reference to playoff games. If
11 we would both advance to the playoffs and get to
12 host, that we share it and that the WIAA would
13 need to know that in terms of potentially being
14 able to play two games in one night at Breese
15 Stevens because it is a turf field.
16 Q And when you say a turf field, do you mean it is
17 natural grass? Is that --
18 A Artificial turf.
19 Q Artificial turf, okay. So was there some sort of
20 agreement between Edgewood and East High School
21 regarding sharing Breese, sharing the field for
22 the playoffs?
23 A I do not recall.
24 Q Do you know why you sent him this email?
25 A No.

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1 Q If you scroll -- or if you flip to the third page,
2 this looks like an email from the deputy director
3 of the WIAA, Wade LaBecki; is that correct?
4 A Yes.
5 Q And under the heading Football Schools, the
6 second paragraph under there it says, "We have
7 established two site lists through the facility
8 availability and field specification surveys
9 completed last year." Do you see that?
10 A Yes.
11 Q What is that survey that they're referring to?
12 A It would refer to if you have or have signed up
13 with a facility, if you would qualify for the
14 playoffs, that it would be a site that the WIAA
15 would approve that you could play there.
16 Q Okay. And do you know whether -- so this was
17 written in 2018. Do you know if the previous year
18 Edgewood had filled out that survey?
19 A I do not remember.
20 Q Okay. Is it your understanding that East
21 High School had filled out that survey?
22 MR. INGRISANO: Objection.
23 Foundation.
24 A Based on my statement -- I can't recall.
25 Q Okay. So do you see on the second page there is

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1 an August 16 email from Thomas, who I assume is
2 T.J., to you that says, "We're listed, using
3 Breese's specs, but would only host if we're in
4 the game - not as a neutral host."
5 Do you know what he's saying he's listed on
6 or East High School is listed on?
7 A I would say he's listed on the hosting approval
8 site.
9 Q And Breese Stevens is approved to host games is
10 your understanding?
11 A Yes.
12 Q Okay. And is it your understanding that this
13 approval would have been secured a year in advance?
14 MR. INGRISANO: Objection.
15 Foundation.
16 A My understanding, it would mean that this would be
17 for the fall of 2018.
18 Q This would be for the fall of 2018. But when do
19 you suspect that East would have -- or do you
20 know, based on the procedures, the WIAA
21 procedures, when East would have had to have
22 submitted those specs, those Breese specs, for
23 approval?
24 MR. INGRISANO: Objection. Form.
25 It calls for speculation.

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1 A They would have to have had it finalized and
2 submitted by October, in October.
3 Q October of?
4 A The year of the season. The season we're in.
5 Q So you had mentioned that you were discussing the
6 possibility of you having to play two games on the
7 same field on the same night; is that correct?
8 MR. INGRISANO: Objection. Form.
9 Vague.
10 A To the best of my recollection, we were discussing
11 if I needed to submit approval, because East
12 already did and we shared the facility in the
13 regular season, that if Edgewood would have needed
14 to share the same information that's already been
15 shared.
16 Q Okay. And what would be -- what is the effect
17 of -- why would the WIAA need to know that you and
18 East were sharing a facility?
19 MR. INGRISANO: Objection. Form.
20 Calls for speculation. Objection. Foundation.
21 A So when playoffs occurred and if there would be a
22 chance we both were host schools, that we would
23 have a plan in place to be able to hold both games
24 at that site on the dates recommended in the
25 playoff manual by the WIAA.

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1 Q Okay. And if you scroll -- or if you flip to the
2 second-to-last page here, this looks like a
3 continuation of the email sent by the deputy
4 director of the WIAA, and there is a section
5 entitled Shared Facilities.
6 And it says, "Schools that share a common
7 facility must file a hosting priority plan with
8 the WIAA when both schools are willing, or may be
9 eligible to host a playoff game. Two games will
10 not be scheduled at the same site/same level on
11 grass fields. More than one game may be scheduled
12 at the same site/same level if the games are
13 played on an artificial turf field. A shared
14 facility plan must be on file with the WIAA by
15 October 5." Did I read that correctly?
16 A Yes.
17 Q Do you recall whether you -- whether East or
18 Edgewood filed a shared facility plan with the
19 WIAA?
20 A Yes. One of us would have had to.
21 Q Okay. And do you recall whether East or Edgewood
22 hosted any playoff games that year?
23 A 2018. No. We did not qualify for the playoffs in
24 2018, to the best of my recollection.
25 Q Okay.

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1 A For Edgewood. I can't speak for East.
2 Q Okay. Is it your understanding, based on -- Based
3 on these emails, would it be your understanding
4 that East High School had reserved the playoff
5 dates in advance?
6 MR. INGRISANO: Objection. Form.
7 A Yes, that would be my understanding.
8 Q Do you know whether they typically reserve
9 Breese Stevens in advance for their football
10 season?
11 A In the past we've always been made aware if East
12 is planning on using Breese Stevens during the
13 regular season or the post-season after 2017.
14 Q After 2017. And why after 2017?
15 A Because we would have been using Middleton's
16 facility up until at least 2016 and my
17 recollection would have been in 2017 as well.
18 Q Okay. And when you say on the first page, you're
19 discussing how you and East share Breese, does
20 that sharing, does that only apply to the playoffs
21 or does that apply to the regular season as well?
22 A That statement would apply to the regular season.
23 Q Okay.
24 (Exhibit No. 100 marked for
25 identification)

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1 Q So you've been handed the document marked as
2 Exhibit 100. Please take a moment to yourself to
3 familiarize yourself with it.
4 A I'm finished.
5 Q Okay. So starting on the first page, there is
6 an email that looks like it's kind of in the
7 middle of the page written on August 14 at 2:59
8 by Thomas Rogness, and it says, "We have reserved
9 Breese against the possibility of hosting a
10 playoff game for Level 1 (October 25), Level 2
11 (November 1), and Level 3 (November 8). If we
12 should both happen to be hosting games at some
13 point, would a doubleheader be an option?" Did I
14 read that correctly?
15 A Yes.
16 Q So if I recall your earlier testimony, levels four
17 and five are always going to be -- level four is
18 always going to be at a neutral site. Level five
19 is going to be at the UW site; is that correct?
20 A Correct.
21 Q So the first three levels, possible playoff games,
22 Thomas Rogness is indicating that he has reserved
23 Breese Stevens at that time; is that correct?
24 A Yes.
25 Q On these dates?

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1 A It looks like on this email, yes.
2 Q Okay. And he's asking you, after the part I just
3 read, he said, "If we should both happen to be
4 hosting games at some point, would a doubleheader
5 be an option?" Did I read that correctly?
6 A Yes.
7 Q Do you know why he's asking you that question?
8 A That's back to what I stated earlier, that because
9 it's an artificial turf field, we would both be
10 able to play on the same field on the same day.
11 Q So is it your understanding, then, that in 2019
12 you again had a shared use agreement with East
13 High School?
14 MR. INGRISANO: Objection. Form.
15 A Yes.
16 Q Okay. And would that apply to just the playoffs
17 or also the regular season?
18 A Both.
19 Q Okay. You had mentioned that after either 2016 or
20 2017 you had stopped using Middleton for your
21 regular -- as your primary site for your regular
22 season varsity football games; is that correct?
23 A I wasn't sure when we had stopped there
24 officially.
25 Q But there was a break, and you had previously been

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1 using Middleton?
2 A What do you mean by a break?
3 Q There was a change from using Middleton to not
4 using Middleton at a certain point; is that
5 correct?
6 A Correct.
7 Q And why did that change occur?
8 A Our contract with Middleton was a ten-year
9 contract starting in 2007. And so that meant in
10 the spring of 2016 our time was up there. So then
11 we needed to have had to look at the future of
12 where we were going to play if we had not been
13 able to set up our facility according to
14 regulations.
15 Q And you were not -- were you able to set up your
16 facility at Edgewood to regulations?
17 A Not to the way we wanted it to be, no.
18 Q So then you began using Breese Stevens primarily;
19 is that correct?
20 A Yes.
21 Q And why did you use Breese Stevens instead of
22 Middleton?
23 A Because the contract had ended, and my
24 recollection would be is that in the 2017 season,
25 basically out of the kindness of Bob Joers' heart,

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1 they extended us a year there but said that's
2 not -- an extension will not continue.
3 Q You would not be able to use the field anymore or
4 you would have to enter into another longer-term
5 contract if you wanted to use the field?
6 A We would be looking into -- they said that they
7 wanted us to look into the option of continuing
8 there, but then it would become another financial
9 donation/gift requirement by us.
10 Q Okay. I'm handing you the document that's been
11 previously marked as Exhibit 57. I'll represent
12 to you that the first two pages are like a scan,
13 a photocopy, of a physical print newspaper, while
14 the remaining pages are the same article but
15 printed from the internet.
16 Please take the opportunity to familiarize
17 yourself with the article.
18 MR. INGRISANO: Counsel, can he
19 just focus on the internet printout version?
20 MR. JEAN-LOUIS: Yes.
21 MR. INGRISANO: Okay. So ignore
22 the first couple pages and just go to that
23 one. It's going to be easier on your eyes,
24 Coach.
25 THE WITNESS: Got ya. I'm

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1 familiar.
2 Q Okay. So looking at the numbers on the internet
3 version, on the bottom right-hand corner can we go
4 to page 5 out of 6.
5 A I'm there.
6 Q Okay. So it says on the second paragraph,
7 "Zwettler said the football team will continue to
8 play home games at Breitenbach Stadium at
9 Middleton High School, and the Crusaders boys and
10 girls soccer teams will play home games at the
11 Reddan Soccer Complex in Verona." Did I read that
12 correctly?
13 A Yes.
14 Q Is that a sentiment or the effect of a statement
15 that you made to the author of this article?
16 A Yes.
17 Q Okay. And so at this time when this was
18 published, it was not your intention that the
19 football team would start to play their home games
20 at the Edgewood field in the near future; is that
21 correct?
22 MR. INGRISANO: Objection. Form.
23 Vague as to "near future."
24 A Yes.
25 Q And the following paragraph, it says, "For soccer,

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1 we made a commitment of \$100,000 three years ago.
2 That's a ten-year deal. Soccer-wise, we have been
3 spending about \$18,000 annually the last few years
4 on a rental facility, transportation, et cetera,
5 to have our soccer teams go to play and practice.
6 The goal is to keep as many kids on campus as
7 possible." Did I read that correctly?
8 A Yes.
9 Q Now, is that the arrangement -- is that referring
10 to Reddan, that ten-year deal?
11 A Yes.
12 Q Okay. And is that the arrangement that you were
13 referring to earlier today when you said that
14 varsity soccer -- or the soccer teams I believe in
15 general, you correct me if I'm misstating your
16 testimony, after the renovations, were actually
17 spending more time off campus than on campus?
18 MR. INGRISANO: Objection. Form,
19 vague.
20 A More specifically to boys soccer, yes, than girls.
21 Q Boys soccer, yes. Boys soccer, that's correct.
22 So is that Reddan deal, that ten-year
23 commitment, is that still in effect today?
24 A The contract phase, yes. The commitment has been
25 paid off.

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1 Q Okay. Do you know when the contract ends?
2 A Based on the data supplied here, but I've not
3 looked at it --
4 MR. INGRISANO: Objection. Form.
5 Calls for speculation. Go ahead.
6 A -- 2024-2025.
7 Q Okay. And the following paragraph, it says,
8 "Edgewood also contributed \$200,000 to help with
9 the installation of the FieldTurf surface in
10 Middleton, and we start our ninth year (of a
11 ten-year contract) there in August. The field is
12 still playable and is still safe, but they will
13 probably need to replace it in the next two to
14 three years."
15 Is that the type of financial commitment that
16 you had referenced earlier that you said Middleton
17 would want you to make again?
18 MR. INGRISANO: Objection. Form.
19 A No.
20 Q No? What type of financial commitment were they
21 looking for you to make if you were to continue on
22 at Middleton at the end of your 10-year contract?
23 A They wanted to upgrade concession stands,
24 restrooms, and the turf, and would have been
25 asking for a substantial increase from the \$200,000,

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1 but I do not recall what that amount was.
2 Q And were they proposing another term length, a
3 longer contract to go in connection with that
4 commitment?
5 A Can you repeat the question, please?
6 Q Yes. When they were asking you to make the
7 commitment toward upgrading their turf, their
8 concession stands, were they proposing that that
9 would be connected to another long-term shared use
10 agreement?
11 A Yes.
12 Q Okay. Do you know how long they were proposing?
13 A No.
14 Q Okay. And did you feel that Breese Stevens gave
15 you greater flexibility being, you know, a year-
16 to-year kind of deal?
17 MR. INGRISANO: Objection. Form.
18 Vague.
19 A No.
20 Q No? Are there any other -- Besides the Reddan
21 complex and Breitenbach stadium, during your
22 tenure has Edgewood High School ever contracted
23 with another sports facility to use their outdoor
24 facilities for a period of at least one sports
25 season or more?

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1 A Specifically to football?
2 Q Football or soccer.
3 A We relied on the City of Madison for both of those
4 sports and the fields that they had already --
5 that were already built for those purposes.
6 Q And which fields are those?
7 A In football, we had used Mansfield and Lussier
8 stadium, and at the time Holy Name Seminary.
9 Q And for soccer?
10 A Outside of Breese, Mansfield. There is a field
11 across from Memorial High School that I can't
12 think of the name right now, but that would be
13 city owned and operated. I don't think it exists
14 anymore.
15 Warner Park for both football and soccer.
16 To my recollection, that's it right now.
17 Q As we sit here today, have you or has anyone else
18 at Edgewood made any attempt to reserve off-site
19 football facilities for the fall of 2022?
20 A Yes.
21 Q And who led that effort?
22 A Myself and my football coach.
23 Q Okay. And have you successfully -- have you
24 reserved a season's worth of dates yet?
25 A Yes.

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1 Q And where do you have dates reserved?
2 A We had three or four, pardon me, I can't remember
3 which it was, at Breese, and one has been taken
4 away from us. Excuse me. We had hoped to reserve
5 five dates. We could only get four. One of those
6 four has now been taken away from us, so we have
7 three secured at this time with Breese Stevens,
8 but that could change at any time because we're at
9 the mercy of the City of Madison and them having
10 an opportunity to rent it out to somebody else
11 that could generate a larger income for them.
12 Q Do you know why your number of reservations at
13 Breese was changed from four to three?
14 A Because they secured a concert to bump us.
15 Q And do you know what date that would be?
16 A September 16.
17 Q And do you have an alternate site reserved for
18 September 16 at this time?
19 A We are in the process of working on that.
20 Q So you had originally attempted to reserve five
21 dates at Breese. Is it your understanding that
22 you will have five home games for the varsity
23 football team in the regular season this fall?
24 MR. INGRISANO: Objection. Form.
25 Calls for speculation.

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1 A It's either four or five.
2 Q Okay. Do you have any other sites other than
3 Breese Stevens reserved for varsity football for
4 the upcoming fall as of today?
5 A Outside of using Edgewood?
6 Q Yes.
7 A At this time officially, no.
8 Q So is it your understanding at this moment that
9 you have one game without a site -- one regular
10 scheduled football game without a site secured or
11 two?
12 A One.
13 Q One, okay. And that's the September 16 game?
14 A Yes.
15 Q Okay. And do you know -- do you have a plan for
16 where Edgewood will play its playoff games if it
17 advances to the playoffs this fall?
18 A The playoff dates have been sent to Breese Stevens
19 as well. I cannot recall or do not know right now
20 if we have been given an answer on those playoff
21 dates.
22 Q And did you send those -- or did Edgewood send
23 those dates to Breese Stevens or was it East?
24 A Edgewood. East no longer uses Breese Stevens.
25 Q Are there any varsity football games that are

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1 currently scheduled to take place at Edgewood
2 High School this fall?
3 A Yes.
4 Q And what dates are those?
5 A August 26.
6 Q And do you know what day -- is that a Friday?
7 A That is a Friday.
8 Q And is that a 7:00 p.m. game?
9 A No.
10 Q What time is that game scheduled for?
11 A 4:30.
12 Q And when is the first football game of the fall
13 season, if you know?
14 A That is the first date.
15 Q Okay.
16 A Sorry. I take that back. It might -- I'm not
17 sure if that's the first or second date.
18 Q Is it the first home game of the season?
19 A Yes.
20 Q Okay. And the September 16 game was scheduled
21 for 7:00 p.m.; is that correct?
22 A Yes.
23 Q Okay. Would it be possible to schedule that game
24 for 4:30 at Edgewood?
25 MR. INGRISANO: Objection. Form.

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1 Calls for speculation. Go ahead.
2 A Possible, yes. Likely, no.
3 Q And why would it be unlikely?
4 A Our opponent, as in many other cases, would choose
5 to say this will not fit for our parents and our
6 team and we refuse to play at 4:30.
7 Q And is that because it's too close to the end of
8 the school day?
9 A Loss of school time, hassle for parents that may
10 have to take off work, potential transportation
11 issues with their bus companies, to name a few.
12 Q Okay. And this upcoming fall boys soccer, you
13 expect most of their home games will be hosted at
14 Reddan complex; is that correct?
15 A On weeknights, yes.
16 Q And then they also have Saturday mid-day games; is
17 that correct?
18 A They have played on Friday afternoons when they
19 know the football team has a game and/or they will
20 play on Saturdays during the daylight at home, at
21 Edgewood.
22 Q And the Friday afternoons are also at Edgewood?
23 A Yes.
24 Q Okay. What time do those -- did you say 5:30 for
25 the Friday afternoons?

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1 A 4:00.
2 Q 4:00 for Friday afternoons. Are there other
3 schools in your conference that host 4:00 games on
4 Fridays for soccer?
5 A No.
6 Q Why does Edgewood host 4:00 games on Fridays at
7 Edgewood when they have the Reddan complex
8 available, or is the Reddan complex not available
9 on Friday evenings?
10 MR. INGRISANO: Objection. Form.
11 Go ahead.
12 A A couple of reasons. We know our field is
13 available. And then able to play a 4:00 game
14 right outside our school doors, attendance will go
15 up. It also would allow them, the soccer players,
16 to attend the football game that night, and it's
17 typically a nonconference team that will play us
18 and is close by that enjoys playing Edgewood High
19 School.
20 Q And who are the nonconference teams that are close
21 by that Edgewood's varsity plays against?
22 A McFarland High School, sometimes it's East, West,
23 LaFollette, or Memorial. Right now off the top of
24 my list those would be the five or six.
25 Q So football has moved into a new conference

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1 recently you stated; is that correct?
2 A Football has moved into its third different
3 conference starting in the fall of 2022 in the
4 last three years.
5 Q And could you explain to me how conferences are
6 organized? Is it a geographic grouping? Is it
7 based on the size of a school? Is it based on,
8 you know, competitive history?
9 A Without any specific order, it would be based on
10 enrollment and geography.
11 Q Enrollment and geography. Could you give me some
12 examples of teams that are in Edgewood's new
13 football conference?
14 A Sure. Lake Mills, Columbus, Lodi, Poynette,
15 Lakeside Lutheran. There is one more I can't
16 think of right now. I think there are seven or
17 eight teams. Seven besides us or six besides us.
18 I can't recall if it's a seven-team or an
19 eight-team football conference for next year.
20 Q Okay. And last year what teams were in Edgewood's
21 football conference?
22 A Whitewater, Edgerton, Evansville, Monroe. There
23 would be three more.
24 Q Okay. For the Friday afternoon varsity soccer
25 games, do you tend to -- do you receive objections

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1 from other teams as to the time of the game being
2 too early?
3 A Sometimes, yes.
4 Q Sometimes. Has a team ever canceled or declined
5 to attend?
6 A Yes, it has happened in the past.
7 Q Has it happened, to your memory, once or more than
8 once?
9 A More than once.
10 Q Okay. How many times has a school declined to
11 play Edgewood's varsity football game when they
12 hosted an afternoon game, to your memory?
13 A Games in football are very difficult to cancel
14 because you have a week to prepare. I don't
15 recall a football game being canceled. I do
16 recall them being moved in a time, the timeframe
17 being moved, or the site being moved.
18 Q Could you give me an example -- could you describe
19 the time that you're recalling when the timeframe
20 was moved? What team was involved, if you
21 remember? What time was it originally scheduled
22 for? What time or day was it moved to?
23 MR. INGRISANO: Objection. Form,
24 compound. Go ahead.
25 A I cannot give you a date. I can give you a

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1 school, Monroe High School. We were bumped. I
2 cannot remember whether it was weather related or
3 facility related, where the facility became
4 unplayable because of weather or another athletic
5 contest where the City of Madison schools or teams
6 take priority over us and we were bumped to
7 another site that time, in that instance, and I
8 honestly can't remember if it was bumped to
9 another day or not.

10 But we have had incidences where the day was
11 moved, the time was moved, or both were moved.

12 Q The example you described with Monroe, you stated
13 it was bumped due to either a weather event making
14 the field unplayable or another team's use of the
15 field making the field unplayable, you can't
16 recall which of the two; is that correct?

17 A That is correct.

18 Q So the bump wasn't because it was an afternoon
19 game, unless I'm missing something; is that
20 correct?

21 A Correct. It was scheduled to be a 7:00 p.m. game.

22 Q And then it was bumped to another day. It might
23 have been another evening game, it might have been
24 another day game, you're not certain?

25 A When it was bumped, it remained an evening game.

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1 Q Okay. Other instances where the day was changed,
2 the time was changed, the location was changed as
3 you were describing just now, were those changes
4 because a team objected to it being an afternoon
5 game?

6 A In some cases, yes.

7 Q And in any of those cases that you're referring to
8 now, was -- or in each of those cases that you're
9 referring to now, were you able to find a new
10 location or time or day?

11 MR. INGRISANO: Objection to form.

12 Go ahead.

13 A Teams would not play us early afternoon or on
14 Saturdays, so we had no choice but to find and
15 work to find another facility and have it be in
16 the evening.

17 Q Okay. When you have varsity afternoon games,
18 how would you say the attendance compares to
19 varsity -- or, sorry, for football, how does the
20 attendance at varsity afternoon football games
21 compare to varsity evening football games?

22 MR. INGRISANO: Objection. Form.

23 A Lower.

24 Q Lower in the afternoon than in the evening?

25 A Lower. Smaller.

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1 Q But for soccer, you find attendance to be higher
2 in the afternoons than in the evenings; is that
3 correct?

4 A When the afternoon game was held right outside our
5 school doors.

6 Q But even when Edgewood's varsity football games
7 are held right outside of Edgewood's school doors
8 in the afternoon, the attendance is lower than
9 when Edgewood's varsity games are held off site at
10 another facility in the evening; is that correct?

11 MR. INGRISANO: Can you read that
12 question back, please?

13 (Question read)

14 MR. INGRISANO: Objection. Form.
15 Vague. Go ahead.

16 A We had two home games last fall at Edgewood in the
17 afternoon. One of them the attendance was higher.
18 One of them was about normal or lower. In my
19 opinion.

20 Q And when you say one of them was higher, do you
21 mean higher than the typical evening game?

22 A Higher than the number we put in the document
23 about what we thought our average attendance was,
24 yes.

25 Q How do your varsity football players get to your

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1 evening game sites, if you know?

2 MR. INGRISANO: Objection. Form.

3 Vague. Home versus away?

4 Q Home games.

5 A We've had instances where we provided a bus for
6 the team to go together, and the other times then
7 it would be their responsibility to drive to the
8 site that we are playing and/or hosting that
9 evening.

10 Q How many instances have you bussed the football
11 players, if you know, to a home game?

12 A I do not remember specifically.

13 Q Okay. And how do varsity soccer players get to
14 games at the Reddan complex, if you know?

15 A Drive.

16 Q Okay. This was produced earlier by Edgewood.
17 (Exhibit No. 101 marked for
18 identification)

19 Q So you've been handed the document marked as
20 Exhibit 101. Unfortunately there is not page
21 numbers on it, so can you go to the eighth sheet?

22 MS. ZYLSTRA: Use the line number.

23 MR. JEAN-LOUIS: Do those
24 continually go up?

25 MS. ZYLSTRA: Yes.

| | |
|--|---|
| <p style="text-align: right;">Page 125</p> <p>1 Q Oh, great. Perfect. Oh, no, they don't. They 2 start over again when you get to a new section. 3 But the page I'm referring to is the eighth 4 sheet and it starts on row 84 and in column A, the 5 fourth row, row 86, it says HOME ZIP. Have you 6 found that page? 7 A Yes, sir. 8 Q Okay. And please take a moment to familiarize 9 yourself with this page and the page after that 10 one. 11 A I'm finished. 12 Q Okay. Do you know or have a belief as to what 13 this spreadsheet, what this document, represents? 14 MR. INGRISANO: Objection. 15 Foundation as to this document. It calls for 16 speculation, form. 17 A Where our students come from in terms of where 18 they live. 19 Q Okay. And do you know whether this -- is there a 20 regular survey that Edgewood conducts or do you 21 know -- 22 A I don't know. 23 Q Okay. Have you seen this spreadsheet before? 24 A No, sir. 25 Q Okay. If you look on the eighth sheet at line</p> | <p style="text-align: right;">Page 127</p> <p>1 correct? 2 A Yes, sir. 3 Q What is your ZIP Code? 4 A 53711. 5 Q And I understand that -- well, what ZIP Code is 6 Edgewood in? 7 A 53711. 8 Q And at least according to this spreadsheet, and 9 you don't have to vouch for it, but according to 10 this spreadsheet, that appears to be the ZIP Code 11 that contains the most Edgewood students. 12 MR. INGRISANO: Objection to 13 foundation of this document. He did not 14 create this document. He can read to you 15 what it says, but -- 16 MR. JEAN-LOUIS: I'm not asking him 17 to vouch for the contents of it or agree with 18 it. 19 MR. INGRISANO: He has no 20 foundation for this. Now we can sit here all 21 day long and ask questions of a witness who 22 has no knowledge about a document being put 23 in front of him if you're just trying to run 24 out the clock like you did the last time. 25 But stop putting documents in front of this</p> |
| <p style="text-align: right;">Page 126</p> <p>1 127, the category there is a percentage of our 2 communities. It looks like -- what would you say 3 is being represented by column B, row 127? 4 MR. INGRISANO: Objection. Form. 5 Calls for speculation, foundation. 6 If the witness has personal knowledge as 7 to this document and how it's compiled, he 8 can answer that question. Otherwise, it 9 calls for speculation. 10 A I've not seen the document, and I'm not sure what 11 this number is referring to. 12 Q Have you seen any other data or publications by 13 Edgewood describing the general geographic 14 breakdown of the students in your community? 15 MR. INGRISANO: Objection. Form. 16 A I'm sorry. Can you rephrase it, please? 17 Q Sure. 18 A Or say it again. 19 Q Do you have a knowledge or understanding of the 20 percentage of students at Edgewood High School who 21 live in the City of Madison? 22 A On an annual basis, no. 23 Q In general? 24 A No. 25 Q Okay. I understand you live in Fitchburg; is that</p> | <p style="text-align: right;">Page 128</p> <p>1 witness that he doesn't know anything about 2 and ask him to talk about what it says. 3 He doesn't know what this document is. 4 He hasn't seen it before. You can't ask 5 for him to opine as to what it says and 6 means. This is absolutely ridiculous and 7 inappropriate. 8 MR. JEAN-LOUIS: He does live in 9 the 53711 ZIP Code. He does know that 10 Edgewood is in the ZIP Code. I think he may 11 be able to tell me information about that 12 ZIP Code. 13 MR. INGRISANO: He can read the 14 document. This is not his document. 15 If you want him to read what a 16 particular cell on each thing means, it's not 17 going to create foundation for this document. 18 MR. JEAN-LOUIS: I'm not asking for 19 that. 20 MR. INGRISANO: I will stipulate 21 that the cells read as they are printed out 22 on that page. That cell number 131 says 23 53711 - Madison/Fitchburg. We'll stipulate 24 that's what this document says. Not a 25 problem.</p> |

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1 Q And you live in that ZIP Code, 53711; is that
2 correct?
3 MR. INGRISANO: Yeah, go ahead.
4 A Yes.
5 Q And it is your understanding that that ZIP Code
6 includes both the City of Madison and the City of
7 Fitchburg?
8 A Along with multiple other cities, yes.
9 Q Okay. When students travel to Edgewood's varsity
10 evening football games, when they travel
11 themselves, do they typically travel from the
12 school or from their homes, do you know?
13 A I do not know.
14 Q Okay. Do you know in terms of for the varsity
15 evening soccer games?
16 MR. INGRISANO: Objection. Form.
17 Calls for speculation.
18 A I do not know that answer either.
19 Q Okay. For basketball, where are varsity
20 basketball games held?
21 A They are played in a gymnasium in Edgewood's
22 school on Edgewood's campus.
23 Q For your home games, okay.
24 As the athletic director, do you typically or
25 frequently review -- If Edgewood collects data on

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1 its athletic program, on the perceptions of it or
2 metrics of it that's achieved, is that information
3 that would be provided to you to review typically?
4 MR. INGRISANO: Objection. Form.
5 Vague.
6 A Can you be more specific on what data you're
7 looking for?
8 Q Yeah.
9 MR. JEAN-LOUIS: Could you hand me
10 the other spreadsheet?
11 (Exhibit No. 102 marked for
12 identification)
13 Q I've handed you what's been marked as Exhibit 102.
14 And on the first page it appears to be titled
15 General Attitude About the School. Do you see
16 that?
17 A Yes, sir.
18 Q Okay. Is this a document that you've seen before
19 or a version of this before?
20 A Not to my recollection.
21 Q Are you aware that Edgewood conducts this survey?
22 MR. INGRISANO: Objection. Form.
23 A Yes.
24 Q And have you ever been -- have you ever reviewed
25 the results of the survey?

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1 MR. INGRISANO: Objection. Form.
2 Asked and answered.
3 A Not in any kind of detail, no.
4 Q Have you ever reviewed specifically sections
5 addressing the athletic program which in this
6 version begins on -- sorry. I forgot to save
7 the page here.
8 Okay. So if you could turn to page 49 based
9 on the numbers on the top right corner. Would the
10 results on -- Would survey results concerning the
11 athletic program ever be specifically brought to
12 your attention that you can recall?
13 A No, unless there is some reason that the
14 administration needed me to take a look at it.
15 Typically no.
16 Q Okay. So you've never reviewed any kind of
17 student satisfaction as to the athletic program,
18 anything like that?
19 A Not that I can recall.
20 Q Okay. Would you say that Edgewood High School has
21 a strong sense of school spirit?
22 A How would you define spirit?
23 Q How would you define school spirit, I guess? Are
24 students -- Would you say there is generally a
25 sense of pride in the institution amongst

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1 students?
2 A In the institution or the athletic program?
3 Q In the institution generally.
4 A I would say the answer is yes to both.
5 Q To both?
6 A For pride.
7 Q Pride. And how do Edgewood home games affect that
8 pride, if at all?
9 A In my opinion, our spirit and fanatic behavior and
10 super loud crowds, unless it is for a very big
11 game or championship of some sort, is more often
12 than not less than our opponents.
13 Q At your home games?
14 A Yes.
15 Q Okay. But is there a level of cheering and
16 fanaticism at your home games?
17 A Poor.
18 Q Poor, you would say. And is it higher or lower
19 when your home games are hosted on campus?
20 A Higher. For --
21 Q Higher enthusiasm?
22 A Higher for the football game. So in my tenure,
23 we've played four football games outside of the
24 school. The attendance enthusiasm for those four
25 games was higher. When basketball is constantly

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1 played in the same gym for a home game that it has
2 been since the '40s, it's nothing to write home
3 about in terms of that was the greatest
4 environment I've ever been in.
5 Q So when you referenced, you said, four football
6 games held outside the school, you meant right
7 outside the school on Edgewood's campus?
8 A Correct.
9 Q Those have a higher level of enthusiasm than the
10 off-campus football games?
11 A Naturally, because students are able to walk right
12 out the doors and the excitement of the fact that
13 we've been stripped of that opportunity for years
14 so it makes it a special event. You combine the
15 two, it increased the enthusiasm and it increased
16 the attendance, which then automatically increased
17 the enthusiasm.
18 Q And is increasing the -- is that enthusiasm, is
19 that something that Edgewood seeks to promote is
20 enthusiasm and excitement for its athletic
21 program?
22 A What do you mean by "seeks"?
23 Q So do you view that as a positive feature of
24 home games, that there is greater enthusiasm
25 at on-campus football games?

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1 A I would say that's a natural yes.
2 MR. JEAN-LOUIS: Okay. We can take
3 a little break.
4 MR. INGRISANO: Thanks.
5 (Recess)
6 Q During your tenure as athletic director, are you
7 aware of any instances where Edgewood's varsity
8 soccer or varsity football game -- or team was not
9 able to secure a site for its home game at all?
10 A Soccer, yes. Football, for varsity level, no.
11 Q No. The soccer -- there was a soccer example.
12 Was there one soccer example or more than one
13 soccer example?
14 A I'm sure there are multiple, but I can't recall
15 dates or times.
16 Q Can you recall circumstances?
17 A Weather-related, fields being under water prior to
18 us being on turf, or -- yeah. We had snow one
19 time. Or the school refusing to play at the time
20 or the field that we had set up, because of
21 things -- numerous things of the time that we set
22 up they had a bunch of athletes doing an ACT or
23 prom or things within their schedule that wasn't
24 going to fit into the time, and then we just
25 decided that, okay, we're going to let it go and

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1 not reschedule it, in soccer, specifically more
2 boys soccer, some girls soccer.
3 Q Okay. So the first category of soccer examples
4 that you gave were fields that were under water or
5 other weather-related issues such as snow.
6 In those cases you did have a field reserved,
7 and then when it became time for the game it was
8 determined that the field was unplayable. Is that
9 what you're testifying?
10 A In some cases I am and in some cases we couldn't
11 find a field.
12 Q You couldn't find a field ahead of time?
13 A We could not find a field once it was apparent the
14 field we were on wasn't going to work and then in
15 trying to find another field they were either not
16 available or they had the same kind of conflicts
17 or circumstances that we faced, and then the game
18 would be dropped or the team had to travel a long
19 distance and they just realized, yeah, it's not
20 going to be worth it.
21 Q And so we're still speaking on the category of
22 weather-related cancellations, are we?
23 A Mostly, yes.
24 Q And typically how far in advance would it be
25 determined that a field is not going to be

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1 playable because of weather-related reasons?
2 MR. INGRISANO: Objection. Form.
3 A A rule of thumb in a lot of the sports is 1:00 in
4 the afternoon the day of.
5 Q Have you ever made the determination earlier than
6 1:00 the day of --
7 A Yes.
8 Q -- to your recollection? Do you recall the
9 circumstances when that occurred?
10 A That we were made aware or it was clear there was
11 an extenuating circumstance that came up with us
12 or the other school or the weather was just, it
13 was clearly just going to be a mess the rest of
14 the day.
15 Q Okay. But in those circumstances you did have a
16 field reserved and another issue came up?
17 A No. We would then try to see if we could find
18 another field.
19 Q But at the time it was determined that the field
20 was unplayable --
21 A Correct, yes.
22 Q -- you were talking about a field that had been
23 reserved in advance?
24 A Yes.
25 Q And you're determining it --

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1 A Yes.
2 Q -- not a day or two before the game?
3 A Say that again, please.
4 Q And you would be determining it in advance of the
5 game but not, you know, weeks in advance?
6 A Correct.
7 Q Okay. And the other category you gave was schools
8 refusing to play because there was some type of
9 conflict with their schedule, whether the ACT or
10 prom or anything like that.
11 Can you recall or give me an estimate of how
12 many times you recall that happening for soccer?
13 A From how far back?
14 Q Over the course of your tenure as the athletic
15 director.
16 A Which is 33 years. I would be speculating, so I
17 don't want to give you a number.
18 Q Okay. Can you recall how many times that has
19 happened since 2015?
20 A Again, I would be speculating, and I don't have a
21 specific number in mind.
22 Q Do you remember a specific instance where a school
23 canceled because their students were taking the
24 ACT or was that a hypothetical example?
25 A Specifically, I cannot give you a date or a year

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1 for that.
2 Q But you do believe that a game was canceled
3 because the opposing school's students were taking
4 the ACT that day?
5 A Because the original date didn't work and then
6 trying to make it up, after we would go through
7 the process of trying to find another date or time
8 or site, the ACT, prom, other events going on in
9 their school community did lead to us cancelling
10 games at the varsity level and many, many times at
11 the JV or JV-2 level.
12 Q Okay. And you're referring specifically to games
13 that Edgewood was hosting as home games?
14 A Not at Edgewood but just in general home games,
15 yes.
16 Q Okay. And in any of those examples was the
17 cancellation related to the fact that -- in any of
18 those examples could the cancellation have been
19 avoided if that game had been held on Edgewood's
20 campus?
21 A Please repeat it.
22 Q For any of the examples that you can recall of
23 where a school has had a scheduling issue and had
24 to, you know, cancel, you couldn't find another
25 makeup day, you had to completely cancel the game,

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1 in any of those circumstances would the issue have
2 been avoided if the originally scheduled game was
3 on Edgewood's campus?
4 A Yes.
5 Q You can think of specific examples where that's
6 happened?
7 A Not at the moment, no.
8 Q So is it your recollection that that has happened
9 or is it your conviction that that has happened?
10 A That would be my recollection.
11 Q Well, what can you recall?
12 A I am certain there were times that if we had the
13 facility to host a game on our campus, it could
14 have avoided canceling games.
15 Q So I'm not asking about if you had had a facility
16 available to reschedule the game to. I'm asking
17 about circumstances where the original facility
18 where it was scheduled contributed to the game
19 being canceled.
20 A Yes.
21 Q You can recall examples where that's occurred?
22 A Rephrase it once more, please.
23 Q So there were games that were scheduled
24 originally, your home games, scheduled at places
25 other than Edgewood --

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1 A Yes.
2 Q -- that were canceled because of conflicting
3 schedules. And had that game been scheduled, the
4 original game been scheduled on the same day but
5 at Edgewood, are there any examples where that
6 could have prevented the game from not being able
7 to be rescheduled later?
8 A I know --
9 MR. INGRISANO: Objection. Form.
10 Mischaracterizes his answer. It was not just
11 because of conflictingly schedules. His
12 answer was related to weather as well, but go
13 ahead.
14 Q Just to clarify, we had addressed the weather one,
15 and I think we've been moved on to the scheduling
16 issues for quite a few questions.
17 MR. INGRISANO: I'll object again.
18 A My answer would be yes, but I cannot give you a
19 specific opponent, time, year, or date.
20 Q Can you give me a reasonable estimate as to the
21 number of times that that has happened?
22 A What do you mean by reasonable?
23 Q The best estimate you can give me, something
24 that's not outlandish, something that you think
25 is, you know, within the realm of --

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1 A Over the course of 33 years or the last seven
2 years?
3 Q Let's try the last seven years.
4 A I can't give you a number.
5 Q Are you certain that has happened over the last
6 seven years?
7 A Yes.
8 Q Okay. And can you recall any specific conflicts
9 that led to a game being canceled?
10 A Well, we talked about weather and we talked about
11 school-wide events. That would include, but not
12 solely, like prom or exams or finals or music
13 concerts or things like that that take priority on
14 certain days. Say your question again.
15 MR. JEAN-LOUIS: Could you read it
16 back for me?
17 (Question read)
18 A So I did answer it.
19 Q So these are specific examples you remember and
20 not general examples of the types of conflicts?
21 A Yes.
22 Q Okay. But to your recollection that has not
23 happened with football?
24 A Varsity level?
25 Q Varsity level football.

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1 MR. INGRISANO: Objection. Form.
2 Vague as to "that," but go ahead.
3 A Yes. We've been bumped from -- if I'm answering
4 the right question, yes, we've been bumped from
5 the original field to then play at a different
6 field as recently as last fall and as of this
7 upcoming fall.
8 Q Has there ever been an instance where a varsity
9 football game did not occur because you could not
10 find a site to host a home game that you were
11 scheduled to host?
12 A I would say this, that a varsity home, home,
13 football game would have been displaced and played
14 at our opponent's place so we could get the game
15 in.
16 Q Can you recall any times that that has happened,
17 where you've had to play a game that was
18 originally scheduled as a home game at your
19 opponent's field?
20 A Not specifically, no.
21 Q Do you know whether that has happened?
22 A To the best of my recollection, that has happened.
23 Q Okay. Any other Edgewood sporting events -- any
24 other Edgewood sports teams that have had to
25 not -- have had to cancel a game that they were

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1 scheduled to host because they could not secure a
2 site for it?
3 MR. INGRISANO: Objection. Form.
4 Are we now switching away from varsity into
5 all sports?
6 Q I'm switching to other sports than football and
7 soccer.
8 MR. INGRISANO: And at all levels?
9 Q Well, I don't know whether the sport he's going to
10 name has varsity or not, to make that kind of
11 distinction, so I'll ask him after.
12 MR. INGRISANO: I'll object to
13 form. Vague.
14 A Yes.
15 Q And what sports are those?
16 A Cross country; tennis, both boys and girls;
17 baseball; softball; lacrosse. I'm trying to think
18 of my outdoors. Golf.
19 Pretty much anything that was an outdoor
20 sport at one time or another we did not end up
21 hosting and went to another opponent's facility,
22 or to the opponent's facility.
23 Q And I'm specifically asking for examples where a
24 game or meet or contest was canceled outright
25 because no site could be secured.

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1 A In other sports?
2 Q In sports other than football and soccer.
3 A Yes.
4 Q And do you know with what sports that has happened?
5 A Baseball for sure. Softball for sure. Track. I
6 mean, if you want, golf and tennis.
7 Q So for the track example that you gave, do you
8 remember when that happened?
9 A When it was our home? On campus or off campus?
10 Q Either.
11 A Not a specific date or year, and it would have
12 been related to when we were hosting a triangular
13 or a quad or if we were the conference host at the
14 facility we secured to host that happened, but I
15 can't give you a specific date or year on that.
16 Q Do you recall whether that was an outside facility
17 that you had originally scheduled to host it at or
18 whether it was going to be hosted on Edgewood's
19 track?
20 A That would have been an off-campus facility.
21 Q Okay. And was that before or after the 2015 track
22 renovation, if you know?
23 A Before.
24 Q Okay. Can the Goodman Athletic Complex on
25 Edgewood's campus, can it be used to host a

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1 competitive baseball game?
2 A No.
3 Q Can it be used to host a competitive soccer game?
4 A Soccer?
5 Q Sorry. Softball. Thank you.
6 A It does have the markings and the capability to
7 host a softball game, yes.
8 Q Has it ever hosted a softball game?
9 A No.
10 Q Does it ever host softball practice?
11 A Yes.
12 Q Is Edgewood's field the regular practice site for
13 Edgewood's softball team?
14 A No.
15 Q What is the regular practice site?
16 A It's Goodman Park. So I get my Goodmans mixed up.
17 There is the University of Wisconsin Goodman and
18 then there is the City of Madison Goodman. One is
19 called Goodman Field, one is called Goodman Park.
20 I'm referring to the Goodman on Olin Avenue.
21 Q I know which one you're referring to.
22 A By the Coliseum.
23 Q Okay.
24 A Not the UW facility.
25 Q Where does the Edgewood softball team typically

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1 host its home athletic contests?
2 A The same Goodman field we referred to.
3 Q And do you recall if any of the occasions where
4 the softball team was not able to secure a site
5 were after the 2015 renovations of the field?
6 A Well, our softball home field has not been
7 renovated.
8 Q Sorry. The renovation of the track and field and
9 football field.
10 A So rephrase it, please.
11 Q Okay. So I believe you testified that the field
12 within the track at the Goodman Athletic Complex
13 has markings that would allow a softball game to
14 be played; is that correct?
15 A Yes.
16 Q And in any instance where the softball team had to
17 cancel a home game because it could not secure a
18 site, were any of those after the 2015 renovation
19 of the Goodman Athletic Complex?
20 A So Goodman, at Edgewood that's called the Goodman
21 Sports Complex.
22 Q Goodman Sports Complex, thank you.
23 A Our softball team plays at Goodman Park by the
24 Coliseum. We have not had to -- What would have
25 happened with softball after 2015 is if our fields

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1 weren't available or playable -- we have never
2 played a game at the Goodman Sports Complex on
3 Edgewood campus -- we either would have postponed
4 the game and rescheduled or gone to our opponent's
5 field to play the game.
6 Q Okay. Where does Edgewood's cross country team
7 host its home meets, if it does host home meets?
8 A When we were required to host a conference
9 cross country event, whether it be a mini meet or
10 the conference meet, and there is the city meet
11 which rotates amongst the five city schools,
12 Edgewood and the four public, we, over the course
13 of the last seven years, have reserved Lake
14 Country Farms.
15 Q And the rules -- It's my understanding that the
16 rules attendant to hosting cross country meets, at
17 least applicable to the city schools in Madison,
18 would foreclose using the track and field
19 facilities at Edgewood to host a cross country
20 meet; is that correct?
21 A I'm not sure I understand.
22 Q You couldn't -- You wouldn't be allowed to have
23 the 5K just be ran on the track?
24 A I've never heard of anybody doing that, no. We
25 had a cross country conference meet. We were the

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1 host. Lake Country Farm was under water. We
2 played it at Stoughton High School, an opponent of
3 ours, because they weren't under water.
4 Q If we can return to the soccer games that were
5 canceled. In the effort to reschedule them, where
6 would you start looking for fields?
7 MR. INGRISANO: Objection. Form.
8 Vague as to time.
9 A What level?
10 Q Varsity.
11 A And postponed and rescheduled or same date,
12 different site reschedule?
13 Q Well, you were giving me examples of when there
14 was a conflict -- so I suppose the weather ones
15 could be either way. Correct?
16 A Uh-huh.
17 MR. INGRISANO: Objection. Form.
18 Q And if there is a scheduling conflict, it would
19 typically be postponed; is that correct?
20 A If we were scheduled at a site, whether it was at
21 Edgewood or Reddan or one of the City of Madison
22 parks -- You asked again what now?
23 Q So if a game had to be canceled and moved either
24 that same day or to another day and the field you
25 were originally scheduled to host it on was

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1 unavailable, what would be your first step in
 2 trying to locate another field?
 3 Would you try the opponent's field first or
 4 would you try a city-owned field? What have you
 5 done or have your coaches done in the past, if
 6 you know?
 7 MR. INGRISANO: Objection. Form.
 8 Vague as to time. Go ahead.
 9 A We would first look to other fields that we have
 10 used in the past.
 11 Q And have you ever had an Edgewood home game that
 12 was scheduled for varsity soccer that ended up
 13 being played on the opponent's field?
 14 A I would say yes but not able to give you year or
 15 date or opponent.
 16 Q And is it your understanding that there have been
 17 instances where Edgewood has not been able to
 18 secure a site to host the game and the opponent's
 19 field was also not available?
 20 A In other words, neither of us could find a site?
 21 Q Yes.
 22 A Yes.
 23 Q Okay. Besides soccer, have there been instances
 24 for other sports where neither team was able to
 25 secure a site and a game had to be canceled that

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1 Edgewood was originally scheduled to host?
 2 A Yes.
 3 Q In what sports has that happened?
 4 A It happens in baseball a lot.
 5 Q Baseball a lot. Any other sports?
 6 A Softball. Track, tennis, golf.
 7 Q And sometimes you're scheduled to host a game and
 8 it's canceled and you have to find a new site to
 9 host a game and you are able to successfully find
 10 a new site; is that correct?
 11 A That is correct.
 12 Q Okay. Could you describe to me what the Edgedome
 13 is?
 14 A The Edgedome on Edgewood's campus was built by --
 15 well, I'm not sure. I'm not sure if it was built
 16 by the campus school or the college and then they
 17 share the facility.
 18 The campus school uses -- It's a gymnasium.
 19 It's been renovated a couple times. Right now
 20 it's only used as a gym and for volleyball and
 21 basketball games. None of us have wrestling on
 22 campus, so it wouldn't be used for that. And
 23 during the day it is used for the phy ed classes
 24 of the campus school and immediately after school
 25 the campus or the grade school would be able to

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1 practice their volleyball and basketball.
 2 And then after a certain time, I'm not sure
 3 what time that is, the college would take over for
 4 their volleyball, basketball teams, and any
 5 intramural teams they might have that would use a
 6 gymnasium.
 7 Q Is there one gymnasium inside the Edgedome or is
 8 there more than one gymnasium inside the Edgedome?
 9 A There is one.
 10 Q And are any Edgewood High School varsity teams --
 11 Do any of the Edgewood High School varsity teams
 12 host competitions in the Edgedome?
 13 A No.
 14 Q No. Does the Edgedome have bleachers or other
 15 seating?
 16 A Yes.
 17 Q And what type of seating is that?
 18 MR. INGRISANO: Objection. Form.
 19 Vague. Go ahead.
 20 A You mean a number?
 21 Q No. Are they bleachers? Are they individual
 22 chairs?
 23 A They're bleachers that can be pulled out and then
 24 pushed back in which provides access to more
 25 baskets and things like that.

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1 Q When the bleachers are pulled out all the way, do
 2 you know what the seating capacity is?
 3 A No.
 4 Q No. What would be the largest or most attended
 5 event that's ever been hosted in the Edgedome to
 6 your knowledge?
 7 MR. INGRISANO: Objection. Calls
 8 for speculation, foundation.
 9 A I do not know.
 10 Q Do you think it could seat more than 200 people?
 11 MR. INGRISANO: Objection. Same.
 12 Foundation.
 13 A Yes.
 14 Q Do you think it could seat 400 people?
 15 A Yes.
 16 Q Edgewood has a dance team; is that correct?
 17 A Edgewood High School?
 18 Q Edgewood High School.
 19 A Yes.
 20 Q Where does the dance team practice?
 21 MR. INGRISANO: Objection.
 22 Foundation. Go ahead.
 23 A In our dance studio.
 24 Q Does the dance team host competitions?
 25 A They hosted their first ever this past fall.

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1 Q And what facility was that competition hosted at?
 2 A The high school Wilke Gymnasium.
 3 Q Wilke Gymnasium. And that is separate from the
 4 Edgedome? That's a separate gymnasium?
 5 A The Wilke High School Gymnasium is in the high
 6 school building. The Edgedome is off, a separate
 7 building away from us.
 8 Q Do you know how many people the Wilke Gymnasium
 9 can seat?
 10 A I believe on the WIAA website we've put down 1,600.
 11 Q Does the Edgewood campus have a performing arts
 12 center?
 13 A Edgewood High School?
 14 Q The whole campus, including the university and
 15 grade school.
 16 A I know the high school has its own performing arts
 17 center. I believe the college has their own
 18 performing arts center.
 19 Q Do you know how many people the high school's
 20 performing arts center seats?
 21 A 400 to 500.
 22 Q Do you know for the college?
 23 A No.
 24 Q Are there any other facilities on the Edgewood
 25 campus that can host large gatherings of people?

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1 MR. INGRISANO: Objection. Form.
 2 Vague as to "large."
 3 Q Or that are designed to.
 4 MR. INGRISANO: Same objection.
 5 A For the high school, we have a second gym called
 6 the Krantz Center that can hold 400 people for a
 7 game, or an event. Bleachers.
 8 Q Are you aware of any on the college?
 9 A I am not, no.
 10 Q Okay. Are you aware of whether Edgewood offers
 11 mass for its students?
 12 A Yes.
 13 Q And is that typically offered during the day or at
 14 night, do you know?
 15 A During the day, the school day.
 16 Q Does Edgewood ever offer mass at night?
 17 MR. INGRISANO: Objection.
 18 Foundation. Go ahead.
 19 A No.
 20 Q Where are the masses held during the school day
 21 typically, if you know?
 22 A They have been -- they are mostly held in the
 23 Wilke Gymnasium but have also been held in the
 24 Krantz and the performing arts center. We --
 25 well --

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1 Q Does Edgewood High School host mass on the
 2 weekends, do you know?
 3 A Edgewood High School does not. Edgewood High
 4 School does not.
 5 Q Edgewood High School does not. Are you aware of
 6 other Edgewood institutions that host mass on the
 7 weekend?
 8 A Not Edgewood institutions, no.
 9 Q Okay. Are you aware of other institutions that
 10 host mass on Edgewood's facilities on the weekend?
 11 A Yes.
 12 Q And what entities are those?
 13 A I can't think of the name of it right now. And
 14 those masses have been held in the performing arts
 15 center, those services. It's not a Catholic mass.
 16 Q It's not a Catholic mass, okay. Do you know
 17 whether that organization rents the performing
 18 arts center or whether it uses it for free?
 19 A It is rented.
 20 Q Are you aware of any other organizations that host
 21 religious services on the Edgewood campus besides
 22 the one that you just described and besides
 23 Edgewood, the Edgewood institutions themselves?
 24 A No.
 25 Q Okay. Do you attend a church?

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1 A Yes.
 2 Q Is it a Catholic church?
 3 A Yes.
 4 Q What church do you attend?
 5 A Queen of Peace Catholic Church.
 6 Q And are services -- What days of the week does
 7 Queen of Peace host services?
 8 MR. INGRISANO: Objection.
 9 Foundation. Go ahead.
 10 A All seven days, to the best of my knowledge.
 11 Q And the schedule on any given day, to your
 12 knowledge does it include evening services,
 13 daytime services, morning services, all three?
 14 A To my recollection, Monday through Friday are
 15 early morning services. Sunday masses and
 16 Saturday evening there are two masses.
 17 Q Saturday -- is Saturday the only day that there
 18 are evening services?
 19 A To the best of my recollection, yes.
 20 Q Have you ever attended one?
 21 A On Saturday?
 22 Q Uh-huh.
 23 A Yes.
 24 Q And what time does that start?
 25 A Well, there used to be a 5:00 and a 7:00. Over

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1 the course of the last five to seven years, if we
2 went on Saturday, it was 5:00.
3 Q Okay. Have you ever attended a 7:00 p.m. service?
4 A Probably.
5 Q But you cannot recall?
6 A No.
7 Q Okay.
8 A Well, I would say, yes, I've attended the 7:00,
9 but I can't recall a date or a year.
10 Q Do you know whether the 7:00 p.m. services,
11 whether they are brightly lit with artificial
12 light or not?
13 MR. INGRISANO: Objection. Form.
14 Go ahead.
15 A What do you mean by artificial light?
16 Q Electrical lights.
17 A Yeah, of course, in the ceiling. Yeah.
18 Q Yeah. You can see around you with the aid of
19 artificial light at the evening services?
20 A Yeah. Yeah. Yeah.
21 Q I understand that Edgewood College is building an
22 athletic complex in Fitchburg; is that correct?
23 MR. INGRISANO: Objection.
24 Foundation. Go ahead.
25 A The latest I heard was it is in the works. What

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1 sport are we specifically talking about?
2 Q I'm just speaking about the facility. Are you
3 aware that Edgewood College is attempting to build
4 facilities to host outdoor sports in Fitchburg?
5 A I am aware of a baseball field that is ten years
6 out.
7 Q And that is -- they are intending to build that in
8 Fitchburg?
9 A I do not know.
10 Q Okay. Are you aware of any attempt by Edgewood
11 College to build a soccer field?
12 A They already did.
13 Q And where did they build that?
14 A In the Reddan complex. Reddan Soccer Complex.
15 Q And when was that built?
16 A I can say that -- I can speak to knowing that I
17 have seen competitions -- I saw competitions there
18 this past fall. But I don't know when it was up
19 and running and officially done, but they were on
20 it this last fall. So the fall of 2021.
21 Q And is this at the same site as the Reddan complex
22 that Edgewood uses for its boys varsity soccer
23 games?
24 A Yes, sir.
25 MR. INGRISANO: Objection. Form.

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1 Vague. Go ahead.
2 A Yes, sir.
3 Q But separate fields?
4 A Yes, sir.
5 Q Okay. Are you aware of any other plans by
6 Edgewood College to build outdoor athletic
7 facilities outside of the Edgewood campus?
8 A No, sir.
9 Q The Reddan facility that Edgewood High School boys
10 soccer plays on, who owns that facility?
11 A I'm pretty certain it's owned and operated by
12 MAYSA, which is the Madison Area Youth Soccer
13 Association.
14 Q Okay. And do you know whether or not they own the
15 site that the college built a soccer field on?
16 A I don't know who officially would own it. I would
17 guess -- well, MAYSA owns -- I don't know for sure
18 who owns it.
19 Q Okay. Have you ever looked into the possibility
20 of using Edgewood College's soccer fields at
21 Reddan to host or play an Edgewood High School
22 soccer game?
23 A No.
24 Q And why not?
25 A Because we don't need it.

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1 Q And why do you not need it?
2 A Because we have our own Reddan soccer field and we
3 have access to our turf, our artificial turf field
4 on campus.
5 Q And your access to your own Reddan soccer field,
6 can anyone else come and boot you out because
7 they're going to pay more money or anything like
8 you described with Breese Stevens?
9 A The MAYSA soccer organization has the right to use
10 it whenever they want to.
11 Q Including if you had previously scheduled use of
12 the field?
13 A They would not bump us for that.
14 Q And they never have bumped you?
15 A I don't know that I can agree with never.
16 Q But you can't recall an instance?
17 A I can't recall an instance.
18 Q I'm handing you what's previously been marked as
19 Exhibit 61. If you could read over this for me.
20 Let me know when you've finished.
21 A I'm finished.
22 Q Do you recall -- So there is an email that's
23 marked as being from Michael Elliott to Sara
24 Eskrich on Thursday, July 26, at 8:26 a.m. And
25 it describes -- he says, "Sarah, can we talk

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1 transition? I am in a heap of trouble with no
 2 place to play an October 5 game that is senior
 3 night." Did I read that correctly?
 4 A Yes.
 5 Q Do you know what he's referring to?
 6 A Yes.
 7 Q Is he referring to a soccer game or to a football
 8 game or to another sport?
 9 A Football.
 10 Q A football game. And you recall that Edgewood was
 11 without a place to host its October 5 football
 12 game; is that correct?
 13 A Yes.
 14 Q Do you know where that football game had been
 15 originally scheduled?
 16 A Not for sure, no.
 17 Q Do you have any recollection or belief?
 18 A Yes.
 19 MR. INGRISANO: Objection. Form.
 20 Go ahead.
 21 Q And where do you think it was scheduled, to the
 22 best of your memory or belief?
 23 A It either had to be Middleton or Breese Stevens.
 24 Q Okay. Do you know whether Edgewood High School's
 25 football team was able to find a site for the

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1 October 5 game?
 2 A Yes.
 3 Q Do you know what site it ended up using?
 4 A Lussier Field.
 5 Q Okay. And do you know whether -- Lussier Field,
 6 is that LaFollette High School?
 7 A It's on LaFollette High School's campus, yes.
 8 Q Do you know whether there was any other games
 9 being held at Lussier Field that day?
 10 A Day or night?
 11 Q That date, I'll say.
 12 A That date. I do not know if there was other games
 13 held there that date.
 14 Q Did you have any involvement -- You were the
 15 athletic director while Edgewood's master plan was
 16 being drafted; correct? The 2014 master plan?
 17 A I was the athletic director in 2014, yes.
 18 Q Were you consulted at all regarding the
 19 athletic -- or regarding the master plan?
 20 A No.
 21 Q You didn't provide any input? Did you review any
 22 drafts --
 23 A Not that I can recall.
 24 Q -- before it was finalized?
 25 MR. INGRISANO: You've got to let

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1 him finish his question. Okay, Coach?
 2 THE WITNESS: Okay. Got ya.
 3 MR. JEAN-LOUIS: I think we're
 4 almost done. I think we'll take a little
 5 break and we'll have a couple more exhibits.
 6 (Recess)
 7 (Exhibit No. 103 marked for
 8 identification)
 9 Q So I'm giving you what has been marked as
 10 Exhibit 103. As you can see, it starts on 10100
 11 and continues until 10354 in terms of Bates
 12 numbers, and this was produced by Edgewood as one
 13 document. I'm not purporting that these are all
 14 directly related. And we're just going to flip
 15 through some of these pretty quick.
 16 A Sure.
 17 Q So EHS 10104, if you can flip to that page. Do
 18 you know what the company PKK Lighting, Inc., is?
 19 A Yes.
 20 Q And have you personally engaged them before or
 21 hired them before?
 22 A Yes.
 23 Q And for what purpose?
 24 A For signage at the football stadium, football
 25 stadium we were playing at at that time. They

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1 bring in an Edgewood sign and put it where we tell
 2 them to put it.
 3 Q Okay. Have you hired them for any other purpose,
 4 do you know?
 5 A A couple of years ago they came over to Breese to
 6 put up the same sign that we had had at Middleton,
 7 but I don't believe we've used them in the last
 8 two years or so.
 9 Q And every time you've hired them to do that,
 10 they've put it up temporarily and then it's been
 11 taken down again?
 12 A Yes.
 13 Q Okay. If we can flip to 10108. This is a check
 14 and it appears to be an invoice to Lazars Bus
 15 Service, Inc. Do you recall ever hiring this bus
 16 company in September of 2018 or before then?
 17 A Yes.
 18 Q Do you know what this specific check is paying for?
 19 A No.
 20 Q Actually if you flip just a couple pages over
 21 to 10110, this looks like a bill from the same
 22 company for the same amount, cross country to
 23 Cambridge, girls swim to Stoughton, boys
 24 volleyball to Memorial. Am I reading that
 25 correctly?

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1 A Yes.
2 Q And do you see that the balance due is \$5,970?
3 A Yes.
4 Q If you flip back two pages, is that the amount
5 that the check is for?
6 A Yes.
7 Q Do you believe they're related?
8 A Yes.
9 Q Do you know generally what this collection of
10 documents is?
11 MR. INGRISANO: Objection. Form.
12 Go ahead.
13 A Expenses related to us having off-campus, intended
14 to be, football expenses.
15 Q Did you compile this collection of documents?
16 A No.
17 Q If we can flip back to I believe it's 10108, that
18 check for \$5,970 and then the corresponding
19 invoice on 10110, this is a description of where
20 the bus drove Edgewood's teams. Do you agree with
21 that?
22 A For those three sports?
23 Q Yes.
24 A Yes.
25 Q And do any of these three sports -- are any of

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1 them able to be played on Edgewood's outdoor
2 facilities on its campus? Could any of them be
3 played if there were lights or a press box or
4 anything like that? Would that allow any of those
5 games to be played in your outdoor Goodman
6 complex?
7 MR. INGRISANO: Objection. Form.
8 Go ahead.
9 A These were not our home games.
10 Q They were away games?
11 A They were away games.
12 Q So your understanding is that there are checks for
13 bus services for away games included in here?
14 A Yes.
15 MR. INGRISANO: Objection. Form.
16 A Yes.
17 Q If you go to 10129, do you know whether the first
18 item listed on this invoice is a home game or away
19 game?
20 A Away game.
21 Q Are any of these home games listed on this page,
22 to your knowledge?
23 A None of these are home games.
24 Q If you look at 10132, is this an invoice from a
25 porta-potty company?

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1 A Yes.
2 Q And where is the job -- Do you see a box for
3 job site?
4 A Yes.
5 Q Is that Edgewood's address?
6 A Yes.
7 Q Do you know what event -- It looks like there is
8 a porta-potty, according to the invoice, from
9 August 30 of 2018 to September 26 of 2018, if I'm
10 following the invoice correctly. Do you know if
11 there was an event over that period of time or
12 some other reason why a porta-potty was being
13 rented?
14 A We rent two porta-potties that are constantly on
15 our field, other than the winter months when no
16 one uses the field, for practices, games, physical
17 education classes, or any other events that would
18 be held out there so there is a porta-potty within
19 close proximity to the field.
20 Q Are you aware of any plans that Edgewood ever had
21 to build a permanent bathroom facility at the site
22 of the track and field or adjacent to it?
23 A I am aware of discussion about that, yes.
24 Q Do you know when those discussions occurred?
25 A I do not remember.

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1 Q Okay. If you flip to 10140, do you know what this
2 document is?
3 A Yes.
4 Q And is this a contract for Edgewood to be able to
5 host a game on that October 5, 2018, senior night
6 that we were discussing earlier?
7 A Yes.
8 Q Okay. And to your recollection the game did end
9 up being played at the Lussier facility?
10 A Yes.
11 Q Okay. If you go to 10146, this appears to be an
12 invoice from a United Rentals; is that correct?
13 A Yes. It looks like it.
14 Q Do you know what that company does?
15 A United Rentals?
16 Q Yes.
17 A Well, they handle many things you can rent from
18 them for whatever your needs are.
19 Q Do you know what these three items in the kind of
20 top box are? These three light tower vertical
21 masts that are described, do you know what those
22 are?
23 MR. INGRISANO: Objection.
24 Foundation. Go ahead.
25 A I do not recall or remember what these were used

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1 for.
2 Q Do you know what they are?
3 A No.
4 Q Okay. And there is a annotation, it looks like
5 it's handwritten on this invoice, that says split
6 with -- or split w/LaFollette. Do you know, is
7 this your handwriting?
8 A No.
9 Q Do you know why this would be split with LaFollette?
10 MR. INGRISANO: Objection.
11 Foundation. Go ahead.
12 A No.
13 Q If you go to 10152, this is the MAYSA that you
14 were describing earlier that owns the Reddan
15 facility that the Edgewood High School soccer team
16 plays at; is that correct?
17 A Yes.
18 Q And the description here says Rental of fields at
19 Reddan Park - Fall of 2018/Spring of 2019; is that
20 correct?
21 A Yes.
22 Q Do you know whether this invoice is intended to
23 cover that entire period?
24 A It is.
25 Q It is, okay. So that would be the boys soccer

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1 season and the girls soccer season?
2 MR. INGRISANO: Objection to form.
3 A Yes.
4 Q For the 2018 to 2019 school year?
5 A Yes.
6 Q If you can flip to page 10194.
7 MR. INGRISANO: What number was
8 that, Counsel?
9 MR. JEAN-LOUIS: EHS 010194.
10 MR. INGRISANO: 194?
11 MR. JEAN-LOUIS: Yes.
12 MR. INGRISANO: If we could take a
13 two-second break after this next question,
14 Counsel?
15 MR. JEAN-LOUIS: Sure.
16 Q Do you know what this trip that's described in the
17 description section of this invoice is for?
18 A Yes.
19 Q Is it related to athletics?
20 A No.
21 MR. JEAN-LOUIS: Okay. You can
22 have your break.
23 MR. INGRISANO: Okay. Thanks.
24 (Recess)
25 Q So still on Exhibit 103, at 10196, do you see in

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1 the description section the first item listed,
2 two school buses on August 16, 2019, football to
3 McFarland. Do you know whether that was a home
4 game or an away?
5 A Away.
6 Q And then a few items down, two school buses on
7 August 23, 2019, football to DeForest. Do you
8 know whether that was home or away?
9 A Away.
10 Q Okay. And then the next page -- actually flip
11 back to that page. You will see the invoice
12 number in the top right corner says 4687?
13 A Yes.
14 Q Then on the next page, do you see the same invoice
15 number?
16 A Yes.
17 Q And then on 10197, the first item in the
18 description here, a school bus August 27, boys
19 soccer to Mt. Horeb, do you know if that was home
20 or away?
21 A Away.
22 Q And then a few items down, a school bus on
23 August 29, 2019, soccer to Oregon, do you know if
24 that was home or away?
25 A Away.

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1 Q And then school bus August 29, 2019, football to
2 Sauk Prairie, do you know if that was home or
3 away?
4 A Away.
5 Q And then two school buses on August 30, 2019,
6 football to Breese Stevens, drop only, do you know
7 if that was home or away?
8 A Home.
9 Q Okay. And do you know if that was the varsity or
10 the JV team?
11 A That would have been for a varsity game.
12 Q Do you recall who they played on that date?
13 A I do not.
14 Q Okay. This is part of the -- August 30 would be
15 during the regular season; correct?
16 A Correct.
17 Q Okay. And at least on my copy it's not printed
18 very well but it's 10202, and it will be easiest
19 to find by looking for 10203 and going back a
20 page.
21 This appears to be an invoice, a check and an
22 invoice relating to Big Top Events, LLC. Are you
23 familiar with that company?
24 A Yes.
25 Q And do you know what services this check is in

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1 relation to?

2 A The tents and any other amenities that we would

3 have used at Breese Stevens Field for our football

4 games.

5 Q So do you think -- is it your understanding that

6 this is -- this amount is paying for a season,

7 a football season, or is it paying for a one-day

8 event?

9 A A season.

10 Q A season. And do you know, in this top section

11 here, there is a reference number 104621 and

12 104622. Do you know what the difference between

13 these two reference numbers are or what the \$3,500

14 charge is and what the \$886 charge is?

15 A The \$3,500 would be for Breese Stevens Field

16 rental for the number of games we played there

17 that year. The concessions referral would be for

18 product that we got from them and then reimbursed

19 them, that they already had on site and that we

20 sold it in our concession stand.

21 Q And could you explain for me how that

22 reimbursement process works?

23 MR. INGRISANO: Objection. Form,

24 foundation.

25 A This would be for soda, water that they already

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1 had on campus, gave it to us, we sold it, they

2 billed us back for, you know, their -- minus the

3 charge of that.

4 So like if it was 75 cents for a 16-ounce

5 bottle of Pepsi and we sold it for \$1.50, they

6 billed us for that 75 cents.

7 Q And if you sold the same Pepsi in your example for

8 \$2, they would still bill you 75 cents?

9 A Or whatever their markup was, yes. Whatever they

10 got it for.

11 Q So they require a set concession for specific

12 items of theirs that you sell, is that how it

13 works?

14 A Say that again, please.

15 Q Is there a specific concession that goes to

16 Big Top Events attached to the various categories

17 of items that you would sell? Is that how it

18 works?

19 MR. INGRISANO: Objection. Form.

20 A Yeah, I don't know what you mean.

21 Q So is there like a spreadsheet that says,

22 you know, for every Gatorade you sell we get

23 75 cents, as an example, and it doesn't really

24 matter how much you sell the Gatorade for?

25 MR. INGRISANO: Objection. Form.

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1 Q Or do they say give us 10 percent of whatever you

2 make?

3 A My recollection would be that for a case of water

4 or soda, they charged for that.

5 Q But they charge you after the fact, not up front?

6 A After.

7 MR. INGRISANO: Objection. Form.

8 A After it is over. After they saw how much we

9 sold.

10 Q Okay. And this 104621 figure, your understanding,

11 is that for an entire season?

12 A Yes.

13 Q Okay. 10214, I recall that -- it's my

14 recollection the last check we had encountered

15 earlier and discussed to MAYSA was for \$5,000; is

16 that correct?

17 MR. INGRISANO: Objection. Form.

18 Go ahead.

19 A Yes.

20 Q And do you think this is -- To your understanding

21 is this a similar bill, paying for -- there is not

22 a description here, actually.

23 Okay. So 10216. You believe this check is

24 for the invoice on 10216? This check that's dated

25 9/10/2019 and the invoice is dated 9/3/2019?

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1 A And what would you like to know?

2 Q Do you believe this check on 10214 is to pay the

3 invoice on 10216?

4 A Yes.

5 MR. INGRISANO: Compare 214 to 216.

6 Q And this is again paying for a fall and a spring

7 soccer season, or for rental of the facility?

8 MR. INGRISANO: Objection. Form.

9 A Yes.

10 Q 10220, the second item in the description, JAVA

11 boys soccer to Wankel. This JAVA, is that junior

12 varsity or -- do you know what this is referring

13 to?

14 A Your guesstimation would be as good as mine, as

15 that's JV soccer to Waunakee High School.

16 Q Okay. Do you know -- If that is what it is, do

17 you think this is a home game or away game?

18 A Away.

19 Q September 5, JAVA football to alteration, do you

20 know what this is referring to?

21 A Can't say I know what alteration means.

22 Q Do you know what the next item, CC to Cambridge,

23 is that referring to cross country?

24 A Yes.

25 Q Okay. And on the next page here, football to

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1 Breese Stevens -- I'm on 10221.
2 MR. INGRISANO: 221 are the last
3 three digits.
4 Q The second item, football to Breese Stevens, do
5 you know if that's a home or an away game?
6 A Home.
7 Q Okay. And do you know who they were playing on
8 this date?
9 A I do not.
10 Q Okay. Ending in 236, the first item in the
11 description, football to Oregon. Do you know
12 if that is home or away?
13 A Away.
14 Q Okay. The next item, large motor coach boys
15 soccer to Port Washington - overnight, is that
16 home or away?
17 A Away.
18 Q The next item, boys soccer to New Berlin, is that
19 home or away?
20 A Away.
21 Q The last item on this page, boys soccer to
22 Watertown, is that home or away?
23 A Away.
24 Q On the next page, do you see the item for
25 September 20, 2019, football to Stoughton? Do you

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1 see that item?
2 A Yes, sir.
3 Q Do you know if that's home or away?
4 A Away.
5 Q And the item after that, boys soccer to La Crosse,
6 is that away as well?
7 A Yes.
8 Q Okay. On the next page, second-to-last item, boys
9 soccer to Sauk City September 26, is that home or
10 away?
11 A Away.
12 Q JV football to Monona Grove, the next item, is
13 that home or away?
14 A Away.
15 Q There is two items here for September 27 on the
16 page ending 239. Band and dance team to Breese
17 Stevens and the football to Breese Stevens. Are
18 these for the same event, to your knowledge?
19 A Yes.
20 Q And do you know if that event was a home or away
21 game?
22 A Home football.
23 Q Okay. And was this during the regular season, to
24 your knowledge?
25 A Yes.

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1 Q Do you know who they played on September 27, 2019?
2 A I do not recall.
3 Q Okay. Ending 242, football to Oregon, the first
4 item, is that away?
5 A Yes.
6 Q Boys soccer, next item, Port Washington, is that
7 away?
8 A Yes. I feel this is a repeat of an earlier
9 invoice.
10 Q Is it? It could be. So you don't see -- Do you
11 see any home games on this invoice?
12 A I do not, no.
13 Q And this one I suspect might also be a repeat, but
14 do you see any home games on 243?
15 A No.
16 Q 244?
17 A No.
18 Q And I don't recall if this is the same one that
19 we saw earlier or not. But this Breese Stevens
20 September 27, both of those charges, is that a
21 home game?
22 A Home game.
23 MR. INGRISANO: Objection. Asked
24 and answered.
25 MR. JEAN-LOUIS: I couldn't recall

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1 the date.
2 MR. INGRISANO: The invoice number
3 I believe is consistent.
4 Q 258, ending in 258, are any of these for a home
5 game?
6 A No.
7 Q Any on 259?
8 A No.
9 Q On 260 there is one for Breese Stevens Field
10 October 11, 2019. Is that a home game?
11 A Yes.
12 Q Are any of the other charges listed on this page
13 for home games?
14 A Lake Farm Country Park -- County Park.
15 Q And is that cross country?
16 A Yes.
17 Q Okay. Any home games on 261?
18 A No.
19 Q Any on 262?
20 A No.
21 Q 266. Any home games?
22 A No.
23 Q Any on 267?
24 A No.
25 Q Is Bucky's Dumpsters & Restrooms another company

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1 that you've rented porta-potties from for your
 2 field, for Edgewood's field? We can go to page
 3 305 but it's a little bit cut off, so the one
 4 before 306.
 5 MR. INGRISANO: Invoice number
 6 81152 dated July 15, 2021?
 7 Q Yes. Is this related to a porta-potty?
 8 A Yes. Same company, just renamed.
 9 Q Okay. Are you aware of any expenses associated
 10 with Edgewood's use of off-site facilities for
 11 home games that is not included in this stack of
 12 papers?
 13 MR. INGRISANO: Objection. Form.
 14 Foundation.
 15 A Yes.
 16 Q And what ones come to mind for you?
 17 A U-Hauls that have to transport equipment needed
 18 for football games.
 19 Q Okay. Any others?
 20 A Yes.
 21 Q Can you tell me what they are?
 22 A In some instances we would pay a game worker a few
 23 extra dollars because we had to travel to Breese
 24 Stevens and had to deliver product from Edgewood
 25 High School to Breese Stevens to sell at the

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1 concession stand which added extra time, energy,
 2 and effort on our part.
 3 Q Did you say a game worker?
 4 A Yes.
 5 Q A few extra dollars, okay. Do you know how much
 6 it costs to -- how much you typically pay for the
 7 U-Haul to bring things to your home games that are
 8 off campus?
 9 A I do not know what they charged. Our football
 10 coach handled that, kept track of it, football
 11 coaches past and present, submitted the invoices,
 12 and then they were paid.
 13 (Exhibit No. 104 marked for
 14 identification)
 15 Q You've been handed a document marked Exhibit 104.
 16 Have you seen this document before?
 17 A No.
 18 Q Looking at it, do you know what it is for?
 19 MR. INGRISANO: Objection. Form.
 20 Calls for speculation, foundation.
 21 Q And you can take the time needed to take a look at
 22 it.
 23 A I'm sorry. What was your question?
 24 Q Do you know what this quotation -- this quote is
 25 for?

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1 MR. INGRISANO: Objection. Form,
 2 foundation.
 3 A I've not seen this. I've not seen this material
 4 if it says it was delivered on May 18, so I'm not
 5 sure.
 6 Q You're not sure. Do you have any idea who might
 7 have requested this be produced?
 8 A No.
 9 Q Okay.
 10 (Exhibit No. 105 marked for
 11 identification)
 12 Q You've been handed a document marked 105. Have
 13 you ever seen this document before?
 14 A No.
 15 Q Do you know what it is for?
 16 MR. INGRISANO: Objection. Form,
 17 foundation.
 18 A Reading it, I would say it is for lights to be --
 19 for lights on our soccer, football, track, sports
 20 complex field.
 21 Q For the sports complex field, you believe?
 22 A Yes.
 23 Q Are you aware of anyone requesting the quote from
 24 Forward Electric in the last months, years, days?
 25 A Well, this is dated two days ago. I'm not aware

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1 of who manufactured this, who put it together, and
 2 who sent it out.
 3 Q Or who requested it?
 4 A Or who requested it.
 5 Q We're done with that.
 6 (Exhibit No. 106 marked for
 7 identification)
 8 Q Let me know when you've familiarized yourself with
 9 the document. And this is Exhibit 106.
 10 A I'm finished.
 11 Q Okay. Did you write this email?
 12 A I wrote the "I have been asked" -- I can't say for
 13 sure. I know I didn't write the meat of the email.
 14 Q Did you send this email yourself?
 15 A Yes. Yes.
 16 Q And who are the people -- the email addresses
 17 listed in the "To" section, I suppose, at the top
 18 of the page, Thomas Rogness, Jeremy Schlitz,
 19 Alicia K. Pelton, and it looks like an M.A. Krall
 20 possibly, are these all athletic directors in the
 21 Madison public city schools?
 22 A Yes.
 23 Q Okay. Why did you send them this email?
 24 A It stemmed from an August 19, 2019, meeting with
 25 the Plan Commission about a down zoning to all

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1 city schools, and I was asked by our
2 representatives, our law firms, to make sure that
3 these athletic directors were aware of the
4 potential if this down zoning was approved and how
5 it would impact their schools and the future of
6 their schools' facilities.
7 Q Okay. So the email -- this down zoning that
8 you're referring to in this August 19, 2019,
9 meeting, is this referring to the amendment to the
10 Campus-Institutional District ordinance that would
11 require a conditional use permit for the
12 improvement or establishment of a new use?
13 MR. INGRISANO: Objection. Form,
14 foundation.
15 A Yes. That would have been the energy behind it.
16 Q Okay. The email says, in the last paragraph,
17 starting in the middle of the third line of the
18 last paragraph of the first page, it reads, "For
19 example, the ordinance will likely impact
20 West High School and any improvements or
21 modifications (no matter how small as there is no
22 discretionary language) it wishes to pursue for
23 its athletic fields." Did I read that correctly?
24 A Yes.
25 Q Did you believe that to be true?

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1 MR. INGRISANO: Objection. Form,
2 foundation.
3 A Yes.
4 Q Are you or have you ever been aware of any plans
5 by West High School from 2019 to the present to
6 upgrade their athletic field?
7 A Only what I read in the referendum proposed for
8 all the Madison public schools of potential
9 upgrades for the schools, specifically citing
10 West High School.
11 Q And do you recall what upgrades West High School
12 might have received or if there were any
13 specifically cited?
14 MR. INGRISANO: Objection. Form.
15 A Enhancement of, and I'm not sure what it involved,
16 of the field that's west of the -- on the same
17 property as the building but just west of the
18 building. They've had a field there for years.
19 And the potential of that possibly being turned
20 into a competition facility with lights.
21 Q And when did you read this, if you recall?
22 A I can't recall that.
23 Q Had you read it by the time you sent this email?
24 Were you aware of it when you sent this email?
25 A I was aware of the referendum the city schools --

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1 or that was being sent out by the Madison School
2 District but not of all the details of it as well.
3 Q Okay. Are you aware of any similar plans, and
4 perhaps detailed in that referendum or not, by
5 other public high schools in Madison to upgrade
6 their athletic facilities? Their outdoor athletic
7 facilities?
8 A Not major upgrades, no.
9 Q Okay. Did you receive any responses to this email
10 that you can recall?
11 A When you're referring to responses, how are you
12 referring to it?
13 Q Well, any of the people in the "to" line, any of
14 the people who you directly emailed it to, so
15 Thomas Rogness, Jeremy Schlitz, Alicia K. Pelton
16 or this M.A. Krall, if any of them either replied
17 to the email or called you in regards to the email
18 or talked to you about it when you were meeting
19 face-to-face.
20 A No one that I can recall emailed back.
21 Q Did any of them discuss this issue with you after
22 the date that you sent the email, whether on the
23 phone or in person?
24 A In person.
25 Q And who did you -- which of these athletic

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1 directors did you discuss the ordinance amendment
2 with after the date of this email in person?
3 A Jeremy Schlitz.
4 Q And which school is Jeremy Schlitz affiliated with
5 or was he at this time?
6 A He is the citywide athletic director, as well as
7 at that time, and I think still is, the Madison
8 Memorial athletic director. He serves two roles.
9 Q Did he express to you what his opinion of the
10 amendment was?
11 A In so many words.
12 Q And did he have a generally positive or a
13 generally negative view of the amendment?
14 A Neutral.
15 Q What can you recall him saying?
16 A In my opinion, my recollection would be that they
17 weren't worried about this impacting them at all.
18 Q And when he said that, was he speaking from his
19 perspective as the athletic director of Memorial
20 or of the district or both?
21 A Both.
22 Q Do you know whether any of these athletic
23 directors either submitted written comments or
24 spoke in opposition to the amendment?
25 A I do not know that.

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1 Q Okay. Did you send any other email -- Did you
2 send emails to other entities zoned Campus-
3 Institutional besides high schools telling them
4 that they may be affected by the ordinance that
5 you recall?
6 MR. INGRISANO: Objection. Form.
7 Go ahead.
8 A I do not recall.
9 Q Okay. Is there anyone else who you discussed this
10 issue with after the date of your email?
11 MR. INGRISANO: Objection. Form.
12 Vague. To the extent it calls for you to
13 divulge attorney-client privilege, I would
14 instruct you not to answer, to the extent
15 that you would be answering that it would
16 divulge attorney-client privilege, but go
17 ahead.
18 A I do not recall speaking to anybody else about it.
19 Q Okay. Well, the email after -- it starts off,
20 "Madison Public school AD's." The next line of
21 this email is, "I have been asked by our lawyers
22 to send this to you as they have indicated that it
23 will impact your campuses as much as ours."
24 Are you --
25 MR. JEAN-LOUIS: Attorney

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1 Ingrisano, are you claiming attorney-client
2 privilege with respect to these --
3 MR. INGRISANO: He said he didn't
4 remember, so it's a moot point.
5 MR. JEAN-LOUIS: What did he say he
6 didn't remember? I missed that.
7 MR. INGRISANO: He said he doesn't
8 remember talking to anyone after this, so
9 there is no objection to be made.
10 MR. JEAN-LOUIS: Okay. Well, I'm
11 going to ask about before this was sent.
12 MR. INGRISANO: What's your
13 question? Objection. Form, vague.
14 Q Well, is it true that your lawyers asked you to
15 send this email?
16 A Yes.
17 Q And did they indicate to you that this would
18 affect other campuses as much as Edgewood?
19 A It was our understanding that this, what do we
20 call this, this ordinance, it was our
21 understanding that this ordinance could impact
22 all schools in the zoning areas.
23 Q Okay. Do you have -- Besides the athletic
24 directors listed in this email, did you have any
25 direct communications with any, I suppose they

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1 might not be city staff, but any city staff or
2 officials regarding Edgewood's desire to add
3 lights, regarding the ordinance changes, regarding
4 any of the issues that -- any of the things that
5 are at issue in this litigation, did you have
6 direct communication with city officials or staff?
7 MR. INGRISANO: Objection. Form.
8 Vague. Go ahead.
9 A Me specifically or an Edgewood High School
10 representative?
11 Q You specifically.
12 A No.
13 Q You --
14 A I did not.
15 Q You've never met in person or exchanged emails
16 with Matthew Tucker?
17 A I don't recall.
18 Q Okay. Do you recall any communications between
19 you and Tim Parks?
20 A I do not recall.
21 Q Do you recall any communications between you and
22 Mayor Soglin?
23 A I don't recall, but I would highly doubt it.
24 Q Okay.
25 A With me.

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1 Q And the same with the subsequent mayor as well?
2 A Yes.
3 Q Did you ever communicate directly with Heather
4 Stouder?
5 A Other than seeing those people at the meetings we
6 had, no.
7 Q And are you referring to the neighborhood meetings
8 when you say meetings?
9 A No. I'm referring to the meetings that were
10 called by the city that were about the lights.
11 So there was the -- I can't think of the order,
12 but you go to a certain committee first and then
13 they grant you whether they think it's moving on
14 and so on and so forth.
15 Other than those meetings where city
16 officials or staff was there, I've never had any
17 interaction with her.
18 Q Other than public hearings?
19 A Public hearings, yes.
20 Q Does Edgewood College ever use the track or field
21 that's on the campus?
22 A Yes.
23 Q Does Edgewood High School charge Edgewood College
24 for that use?
25 A Yes.

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1 Q Do you know how much it charges Edgewood College?
2 A Currently I believe it's \$150 an hour.
3 Q Okay. Do you know of any Edgewood High School
4 alum who -- Do you personally know of any Edgewood
5 High School alum who opposed Edgewood obtaining
6 lights on its athletic field?
7 A Yes.
8 Q And did any of them tell you the reasons why they
9 opposed that?
10 A Those reasons were stated in our neighborhood
11 meetings, and they would have been related to
12 sound, traffic, to name a few.
13 Q Okay. Do you recall any discussion either
14 proposed by Edgewood or by one of the companies
15 that Edgewood worked with or by the neighbors
16 about building a sound barrier between the campus
17 and the neighborhood?
18 MR. INGRISANO: Can you read that
19 question back, please?
20 (Question read)
21 A Not specifically to me but related to me by our
22 president.
23 Q And what did he relate to you about discussions
24 surrounding a sound barrier?
25 A That it was brought up, I don't know by who, and

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1 then we just talked about what that could look
2 like and the impact positively or negatively that
3 it could have on everybody.
4 Q And did the president or any other Edgewood
5 officials, did people support the idea of a sound
6 barrier or did Edgewood think that a sound barrier
7 was not the right direction to go in?
8 MR. INGRISANO: Objection to form.
9 Misleading. Vague. Go ahead.
10 A I don't think there was a consensus either way.
11 Q Okay. You had mentioned when you were providing
12 information to the Goodman Foundation estimating
13 attendance at games that some of that was based on
14 historical ticket sales; is that correct?
15 MR. INGRISANO: Objection. Form.
16 Foundation. Mischaracterizes. I don't think
17 he ever testified that he provided the
18 information directly to the Goodman
19 Foundation, but that's all I'll object.
20 A Edgewood High School would have provided numbers
21 based on what our gate receipt numbers were, which
22 I had said before, over a three- to five-year
23 average.
24 Q When you say gate receipt numbers, what does that
25 mean?

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1 A The amount -- Take out the starting change. The
2 money that's left, and at that time I believe it
3 was a \$4 charge. It's now \$5. And divide that
4 by -- that would give us the number of the paid
5 people there.
6 Q Okay. And who typically would be the paid people
7 distinguished from the people who don't pay?
8 A The opposing parents and students, our parents,
9 family, or friends. Our students were admitted
10 free.
11 Q Okay. And did Edgewood collect the fees for the
12 admission?
13 MR. INGRISANO: Objection to form.
14 Q Edgewood High School? Was it Breese Stevens who
15 imposed the price or was it Edgewood High School
16 who imposed the price for admission?
17 A Edgewood High School received the funds, the
18 income.
19 Q And over the course of a typical season or any
20 season that you recall, what would the total
21 amount of income from tickets look like for
22 varsity football?
23 MR. INGRISANO: Objection. Form.
24 Vague.
25 A In the budget, the athletic budget, it varied

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1 from \$3,000 to \$5,000 in ticket sales income --
2 actually it was probably -- it probably varied
3 from \$5,000 to \$8,000 in projected gate receipts
4 from home football games. The low amount, or
5 either the high amount, would be based on who our
6 opponents were and historically if they traveled
7 well.
8 Q And when you say \$5,000 to \$8,000, over what
9 period of time is that? Is that for one game?
10 Is that for one season?
11 A One season. Not including playoffs.
12 Q Okay. Did you charge tickets for other sports
13 other than football?
14 A The Badger Conference bylaws require tickets to be
15 sold at soccer, football, volleyball, basketball,
16 wrestling, hockey, and boys and girls soccer. I
17 think I already said soccer.
18 Q Okay. And how much per season would you estimate
19 the income from boys and girls soccer tickets to
20 be?
21 A For the two seasons combined?
22 Q Yes.
23 A \$2,000 to \$4,000.
24 Q Per season?
25 A For the year for those two sports.

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1 Q All right. For the year. Understood.
2 Earlier we were discussing games that were
3 canceled because Edgewood High School could not
4 find a site to host a game on.
5 Are you aware of any games that were canceled
6 and not played at all because Edgewood was
7 scheduled to host a game at one location and they
8 got bumped out by the owner or someone in control
9 of the site?
10 MR. INGRISANO: Objection. Form.
11 A Can you rephrase? Can you say it again, please?
12 Q Yes. So you had mentioned that at Breese Stevens,
13 if someone wants to host a concert at Breese
14 Stevens on a day that you're scheduled to host a
15 home game, Breese Stevens can kick you out; correct?
16 A Yes.
17 Q And are there other places that Edgewood teams
18 have hosted home games that also have the ability
19 to kick Edgewood out?
20 A Yes.
21 Q And at any point did a facility kick Edgewood out
22 from a day that they had reserved to host a home
23 game and as a result Edgewood was not able to find
24 a new location to host that game and the game did
25 not occur at all?

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1 A Yes.
2 Q And for what sport was that?
3 A Well, as I mentioned, it happened quite frequently
4 in the spring sports. In the fall it would be
5 very common for the non-varsity sports, where even
6 a situation would be sunlight, weather,
7 availability of the facility, the varsity game
8 only would be played and the JV game then would be
9 dumped and not rescheduled.
10 Q Because there was only enough time to complete the
11 one game?
12 A Based on the various things I said, there would
13 only have been enough time to get one game in and
14 so the JV game would get axed.
15 Q And who would make the decision to axe the JV
16 game, do you know?
17 A Myself, along with the other school and the
18 coaches involved.
19 Q Can you think of examples where the owner of the
20 facility or company that managed the facility
21 canceled and prevented Edgewood from hosting an
22 athletic contest at their facility and you were
23 not able to reschedule or find a new site for that
24 event?
25 A In which sport?

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1 Q Football or soccer.
2 A I cannot recall a specific time, date, year, or
3 opponent. But my answer would still be yes.
4 Q Can you recall the facility?
5 MR. INGRISANO: Objection. Asked
6 and answered. Replowing old ground again.
7 Go ahead.
8 A I cannot recall the facility.
9 MR. JEAN-LOUIS: Okay. Let's take
10 a little break.
11 (Recess)
12 Q Are you aware of any instance in which Edgewood
13 had reserved in advance an off-campus facility to
14 host a home night game that was -- where Edgewood
15 was bumped off the schedule or canceled for a
16 reason unrelated to weather, where Edgewood was
17 not able to reschedule or secure a different
18 facility and the game did not occur at all?
19 MR. INGRISANO: Objection. Form.
20 Asked and answered.
21 A At which level?
22 Q For --
23 A And which sport.
24 Q Football or soccer.
25 A At which level?

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1 Q Any that you're aware of.
2 A At the lower level, I'm certain that happened.
3 At the varsity level in football, highly unlikely,
4 again, because given the football priority that
5 you have to have a certain amount of days in
6 between each contest.
7 Varsity soccer, I'm certain it happened where
8 we weren't able to get a field on the date we were
9 thinking we were but may have been able to get --
10 probably got a field the next day in soccer.
11 Q And you were able to play the same opponent?
12 A Correct.
13 Q How often does Edgewood boys or girls JV or
14 freshman soccer play night games?
15 A What's considered a night game?
16 Q A game that would require the use of artificial
17 lighting to play safely.
18 A The bylaws state that those game times are 5:00.
19 The later it gets into the fall, in those cases
20 the lights would probably be turned on the second
21 half.
22 Q Okay. And --
23 A Or if it was early spring.
24 Q Okay. And can you think of specific instances
25 where freshman or JV soccer was kicked off the



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1 schedule later in the fall and was not able to
2 reschedule?
3 MR. INGRISANO: Objection. Asked
4 and answered.
5 A I cannot think of specific times.
6 Q Okay.
7 A Or dates.
8 Q The amount that you charge Edgewood College to use
9 the athletic field or track, is that similar to --
10 is it more or less than the amount that you charge
11 other entities that rent the track?
12 A It varies.
13 Q Are there entities that you rent the track to for
14 less money. For whom it's cheaper than it is for
15 the college to rent the track or field?
16 A Say again, please.
17 Q Are there entities for whom it is cheaper to rent
18 the track or field that you do charge for, whom
19 it's cheaper for them to rent the field than it
20 would be for Edgewood College to rent the field?
21 MR. INGRISANO: Objection. Form.
22 A If they're a nonprofit organization or a youth
23 organization or other parochial schools, grade
24 schools, sometimes we charge and it will be a
25 lower amount and sometimes we won't charge.

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1 And sometimes if it's -- like on Sundays
2 right now we have, it's a Special Olympics group
3 that doesn't have a lot of money but offers us a
4 certain amount, and since it's a low usage time
5 that none of our teams are using anything on a
6 Sunday evening, we're pretty lenient on that kind
7 of thing as well.
8 Q Do you know how much you charge that organization
9 for their Sunday use?
10 A Down to the penny specifically, no. I'll give you
11 a range --
12 Q Roughly, yeah.
13 A -- of \$50 for an evening.
14 Q \$50 an hour?
15 A No. \$50 for an evening.
16 Q Okay. Are there entities that rent the field that
17 you charge more than \$150 per hour for them to
18 rent the field?
19 A No.
20 MR. JEAN-LOUIS: No further
21 questions.
22 MR. INGRISANO: All right. We're
23 done. Read and sign.
24 (Adjourning at 5:09 p.m.)
25

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1 STATE OF WISCONSIN)
2 COUNTY OF DANE) ss.
3
4 I, Peggy S. Christensen, Registered Professional
5 Reporter and Notary Public in and for the State of
6 Wisconsin, do hereby certify that the foregoing
7 deposition of CHRISTOPHER J. ZWETTLER was taken
8 before me on May 26, 2022, and reduced to writing by
9 me, a professional court reporter and disinterested
10 person, approved by all parties in interest and
11 thereafter converted to typewriting using
12 computer-aided transcription.
13 I further certify that I am not related to nor
14 an employee of counsel or any of the parties to the
15 action, nor am I in any way financially interested in
16 the outcome of this case.
17 IN WITNESS WHEREOF, I have hereunto set my hand
18 and affixed my notarial seal of office at Madison,
19 Wisconsin, this 1st day of June 2022.
20
21 
22
23 Notary Public, State of Wisconsin
24 My Commission Expires August 7, 2024
25 

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